Can the new Democratic Legislature find the center?

california JOURNAL

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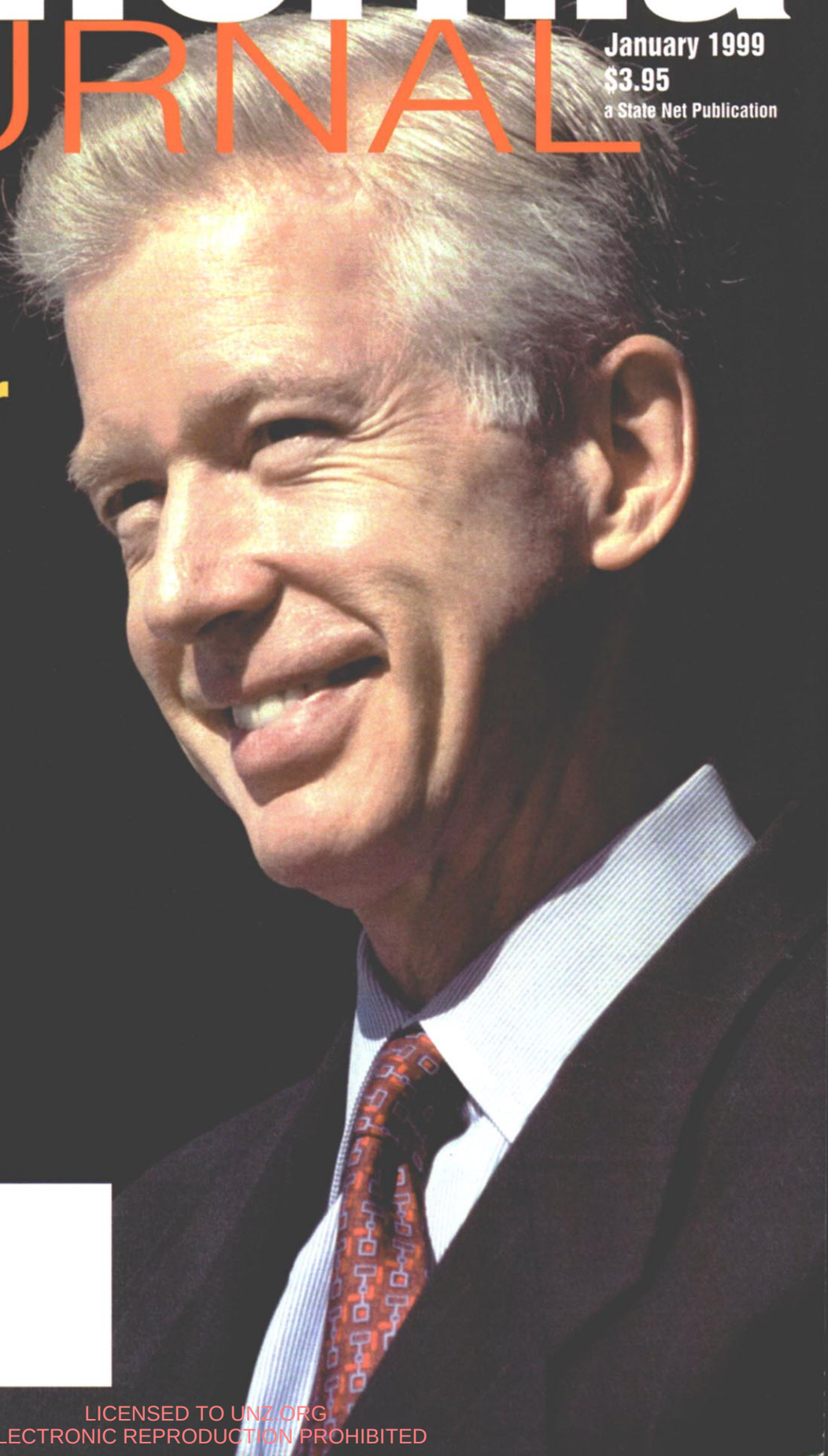
Governor Gray Davis:

Will he walk the talk?



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california JOURNAL

January 1999
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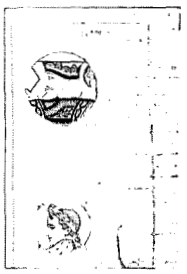

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Transitions

by A.G. Block

A tectonic shift is about to rumble through Sacramento. The plates of government, so long glued into stable positions, have stirred with the election of the first Democratic governor since Jerry Brown left the building in January 1983. The coming year also marks the first time since 1983 that the Capitol's three power centers — the administration, state Senate and Assembly — lie so firmly in the hands of one party.

The minutae of this shift will be duly noted and tracked in *California Journal's Roster and Government Guide*, due in late February or March — depending on how swiftly Governor Gray Davis fills out his administration. But the "who goes where" aspect of constructing a government is superficial. The real transition between the administrations of Republican Pete Wilson and Democrat Davis is deeply rooted in personality and philosophy, and could affect every aspect of California public and political life. This, too, will be tracked and analyzed in this and future issues of *California Journal*, and in the pages of our sister publication, *State Net Capitol Journal*, available via your fax machine.

Gray Davis is the fifth governor during the lifetime of this magazine.

Davis assumes office as perhaps the best-trained governor in California history. He is the kid who apprenticed at every level of dad's business before taking the reins — seven years as chief of staff to then Governor Jerry Brown, two terms in the Legislature, two more terms as state controller and a stint as lieutenant governor. He also arrives on the scene with more power at his disposal than any governor in recent memory because the 1998 election cemented his party's control over the Legislature.

In stark contrast to the experience that Davis brings to the governorship, the Legislature is in that state of constant flux ordained by term limits. The Assembly, especially, is House Volatile, with its leadership engaged in perpetual on-the-job training. The speakership of Antonio Villaraigosa (D-Los Angeles) is less than one year old, yet he is termed out in 2000 and likely will not last in the job for the entire two-year legislative session that kicked off December 7. Assembly Minority Leader Rod Pacheco (R-Riverside) has served all of one term. Senate leadership is more stable, with President pro Tempore John Burton (D-San Francisco) having been around California politics since Pat Brown was governor in the mid-1960s. His GOP counterparts — Minority Leader Ross Johnson (R-Fullerton) and Caucus Chairman Jim Brulte (R-Rancho Cucamonga) — also are seasoned pros. But both Senate caucuses are filled with ambitious colleagues bent on making noise and reputations before term limits squash their legislative careers.

All of this makes for the most tumultuous era since the initial issue of *California Journal* came off the press in January 1970. When that issue appeared, Ronald Reagan was about to embark on his first re-election campaign — for governor of California. His presidency was a decade away. Now, it is a decade removed. Gray Davis is the fifth governor during the lifetime of this magazine.

As we begin our 30th year, the *Journal*, too, enters a period of transition in terms of style and editorial direction. Many of the changes are predicated on requests, comments or constructive criticism from you — our readers.

You already have seen the new cover design, fashioned by art director Dagmar Thompson. In addition, we've made an effort to present articles in a more readable and, we trust, attractive format. We've introduced new features as well, such as "Talking Points" (see pages 8 and 9) and a "heads up" on the coming issue. Responsibility for this editorial overhaul rests with Managing Editor Cynthia Craft, a veteran of statehouse coverage in Ohio, Texas and California, who most recently worked in the *Los Angeles Times'* Sacramento bureau.

During the coming year, we'll explore significant issues related to education, health care, welfare reform and local government — to name but a few policy arenas. And, of course, we'll keep a watchful and critical eye on state politics. We also plan three special editions dedicated to one theme. In June, we'll take a long look at another key region, this time focusing on the Central Valley. Our August edition will explore the crucial issue of water. And our December *Journal* will present a portrait of the changing face of California.

We also want to be more accessible to our readers. In this vein, we invite comment on every article or column, both by letter and e-mail, and let you know how to reach an editor or author via the internet. We also invite you to get to know us by stopping by our website at www.statenet.com. Soon, the magazine itself will be on that website as a text-searchable research tool.

Just as we believe that government belongs to the people, we consider *California Journal* a readers' magazine. Your views are important to us.

Comments on Editor A.G. Block's column may be e-mailed to editor@statenet.com.

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umbrage

False start. The Republicans were quoting from the Federalist Papers. The Democrats were trying to jam through new rules. The returning leader gave a long speech. Just another opening day for the state Assembly, reorganized this past month following the November elections. The first thing most members noticed upon arriving for their December 7 swearing-in was that the aisle is gone, at least the one separating the parties. During the interim, Speaker Antonio Villaraigosa (D-Los Angeles) decided to mix up the seating chart, mingling Democrats with Republicans and seating GOP rookies well away from the leadership desks. Villaraigosa told the house he was making a gesture toward bipartisanship in shuffling seats. Republicans believe the "gesture" was more the kind on display in traffic jams, and it was aimed at their new leader, Assemblyman Rod Pacheco (R-Riverside) (See story, page 18). But state Capitol veterans recalled that it is only in the last few decades that the "aisle" has been standard in the Assembly. As recently as the 1960s, Republicans and Democrats were mixed together. The conspiracy fears were further stoked when the Democrats tried to pass new rules that clipped the GOP's parliamentary wings on controversial bills and amendments. With visiting family members shifting uncomfortably during the first-day surprise, Villaraigosa eventually caved in to GOP pleas and put off the rules changes until after the new year.

Style points. All that first-day nominating, maneuvering and speechifying stands in marked contrast to the greased-lightning organization of the Senate. Returning President pro Tempore John Burton (D-San Francisco) was re-elected unanimously and rewarded his members with a speech long on humor and short on length (Sample line: Upon noting that two GOP leaders were growing beards, Burton deadpanned that he was "glad to see the Party of Lincoln was going back to its roots."). Though they were slated to start at roughly the same time, business in the Senate was finished while the Assembly was still making nominating speeches. During Speaker Antonio Villaraigosa's lengthy welcome, one former legislator-turned-lobbyist complained about the length of the proceedings. "The Senate," he groused, "is already half-drunk by now."

Gotcha. It's never too early to test the new guy, and so it was for Gray Davis last month when he faced the state Capitol press corps for the first time as governor-elect. After announcing a few new staff appointments, Davis was immediately asked whether he was going to accept the 26 percent gubernatorial pay raise he'd so roundly denounced last spring. The new guv didn't handle the curve especially well, talking in circles until he eventually conceded he'd be taking most of the raise, save for a 5 percent cut he's asking of his appointees. Worse, Davis suggested in the same news conference that state workers might not get their long-delayed raises after all. Two banana peels in one news conference, and he slipped on them both. His reward was a bannered story in *The Sacramento Bee*, complete with quotes from state employees expressing disappointment at the apparent waffling. Davis appears to be learning the hard way that no amount of second-tier experience — no matter how much it "moves us forward" —

In Memorium.

In an era of poll-driven partisanship, the passing of a true original bears mentioning. Former state Senator Milton Marks died last month in San Francisco at the age of 78. Marks was one of the few politicians in the state's history to successfully move from one party to another, having started his career in the Assembly as a liberal Republican in 1958. Marks moved over to the Senate in a 1967 special election at the behest of then-Governor Ronald Reagan, but his liberal politics made him an outcast in his party. So, in 1986, he cut a deal with Democratic Senate President pro Tempore David Roberti in which he switched parties and immediately assumed a key leadership post in the Democratic caucus. Among his legislative achievements, Marks carried the legislation that created the nonpartisan Little Hoover Commission. Marks was considered his era's king of retail politics. The line most often associated with him went like this: "If there's a gathering of three people on any street corner in San Francisco, one of them is Milton Marks." Marks' impact in Sacramento seemed to diminish as his career wore on, and he was retired by term limits in 1996. But longtime San Franciscans still remember Milton Marks as the guy who never missed a bar mitzvah, pancake breakfast, high school graduation or anything else that would put him in touch with his constituents.

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can fully prepare a politician for life under the klieg lights.

White tornado. If Hollywood ever holds a Sacramento casting call for a remake of "Dr. Jekyll and Mr. Hyde," the state Assembly has a candidate for the role. It turns out boyish-looking Assembly Majority Leader Kevin Shelley (D-San Francisco) turns into an ogre when the door closes on his staff offices. According to the *San Francisco Chronicle*, Shelley has gone through more than a dozen staffers between his Sacramento and San Francisco offices. Security video actually caught Shelley hectoring a fired staffer all the way to the doors of the hallway elevator. The situation got so bad that Assembly Democrats dispatched Richard Zeiger, press secretary to Assembly Speaker Antonio Villaraigosa (D-Los Angeles), to serve as Shelley's interim chief-of-staff. While maintaining his day job, Zeiger (a former editor of *California Journal*) will be responsible for finding staffers willing to work for Shelley. The lawmaker, recently married, has promised to change and says he is seeking "outside help" for his temper. Of course, taskmasters are hardly rare in Sacramento. Incoming Governor Gray Davis had such a reputation in previous incarnations. Insiders say some of Davis' intensity staff eased after he got married. The secretaries hiding behind the filing cabinet are hoping getting hitched will have the same effect on Shelley.

Class act. Having finally washed off the gunk from November's muddier elections, it is appropriate to send kudos to a politician who hasn't lost all of her self-restraint. Last month, when it was revealed that her one-time Republican foe Michael Huffington was gay, Senator Dianne Feinstein was quoted saying she'd known about it "for years." If what she says is true, those "years" included 1994, when the two hooked horns in what became one of the all-time campaign gutter-fests. There is little doubt that the revelation of Huffington's sexual tendencies would have doomed his candidacy among conservatives, whose votes brought him within an eyelash of taking Feinstein out. Yet even as Huffington was hurling stream-of-consciousness abuse at Feinstein in a mega-million dollar television campaign, she chose to keep that one arrow in her quiver. Even if she hesitated out of fear of a backlash, Feinstein's decision deserves praise. Had it not been for the timely emergence of an illegal nanny in Huffington's background, Feinstein's decision to hold off probably would have cost her the seat.

Learning exchange. It comes every December, as certain as crowded malls and "It's a Wonderful Life." That's right, it's the holiday fund-raising season. Among the first of a cascade of "creative" fund-raising pitches, Assemblyman Scott Wildman (D-Glendale) billed his December 8 cocktail gathering as a "seminar." For those who attended, Wildman promised to do his Anthony Robbins impression and tell attendees "How I went from a 192-vote margin to a 28,101- vote landslide in one short term." The price to learn Wildman's "secrets of success"? A mere $500 for the bleacher seats and $1,000 for the "full demonstration." Of course, you can't fault Wildman for trying to find a novel way to frame his pitch. But for those who couldn't afford the $500 or $1,000 price of admission, Wildman's recipe for success is essentially a two-step formula. Step One: Get an opponent who was found guilty of sexual harassment and caught lying about it to his benefactors. Step Two: Lay low and don't screw up yourself.

"A stud farm for every jackass in the country."
—Mark Twain, on Washington, D.C.

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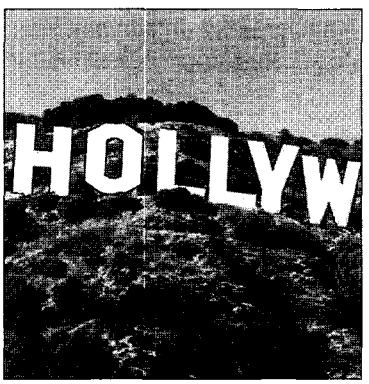
Follow the Money:

That's what friends are for....

Whosoever regards California politics and the entertainment industry as two separate animals best think again. The latest evidence that the beast is blending is found in the public records of the latest campaign contributions. Consider the celebs who plunked down cash for their pal Rob Reiner in his Robin Hood-like quest to rob the cig-makers to pay preschools: Tom Cruise and wife Nicole Kidman, Haim Saban of go-go-Power Rangers fame, David Geffen, Norman Lear, Larry David, Carl Reiner, Billy Crystal, Berry Gordy, Jerry Seinfeld, Melanie Griffith, Andrew Tobias, Lew Wasserman, Mel Brooks, Anne Bancroft, Jeffrey Katzenberg, Meg Ryan, Sydney Pollack, Frank Mancuso, Barry Levinson, Quincy Jones, Alan Ladd, Jack Nicholson, Diane Keaton, Tom Arnold, Barbra Streisand, Helen Hunt, Jeff Bridges, Beau Bridges, Nicholas Cage, Eric Roberts and more. Yet another reason for politicos to stake out ground in SoCal.



Thanks for the Memories:

An epoch *du frommage*

Steve Peace can breathe a sigh of relief. Not only has he been tapped to head one of the Senate's most powerful legislative committees, Senate Budget, but the San Diego Democrat remains the undisputed B-Movie king of the state Legislature. But the producer of both "Attack of the Killer Tomatoes" epics had something of a scare when actor Chris Mitchum, son of the screen legend Robert Mitchum, showed initial signs of strength against Santa Barbara Democrat Hannah-Beth Jackson in the 35th Assembly race, promising to give Peace a run for his money.

Mitchum's ultimate fate, an eight-point loss to Jackson on election day, proved the old axiom: a few bad movies does not a legislative career make. Count Joe Bob Briggs among the disappointed. Here's a partial list of Mitchum's acting credits, just in case you blinked: "Commando Mengele" (1986), "The Serpent Warriors" (1985), "Real Men Don't Eat Gummi Bears" (1989), "Chinese Daredevil Commandos", "Cauldron of Death" (1973).

And, from the Internet Movie Database, a review of one of Mitchum's classics: "Bigfoot (1973)— An epoch *du frommage*. The uncomfortably long (and silent) travelling scenes, the papier maché sets, the unbelievably bad bigfoot makeup, the dinner-theater-style acting, wonderfully inane script — all a testament to the ultra-low budget that this 'classic' drive-in flick flaunts in spades. Demands repeated viewings."

Quotables.....

"With the Wilson people it was always like 'Oliver Twist: Please may I have some more?' This feels much more like everyone rolling up their sleeves and getting the work done."

— State Schools Superintendent Delaine Eastin

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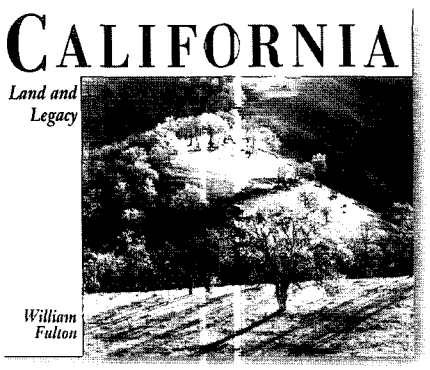
Excerpts: From the Bookshelf

California Land and Legacy
By William Fulton
Westcliffe Publishers, 1998

"It is time to blast through the barriers. It is time to leave behind the tangled web of vested interests and bureaucratic turf wars. It is time to stop thinking that preserving California's land and natural resources is a task somehow separated from the task of building California's economic foundation for the future. It is time, in other words, for every Californian to take a moment to realize that in California we are our landscapes, and use that revelation as the foundation for a renewed society in the twenty-first century."

It is also time for yet another book buttoned to the coattails of California's sesquicentennial. But this oversized volume is actually worthy of its ties to the state's 150th annniversary and the regal unveiling it received last fall at the feet of Secretary of State Bill Jones. In a packed reception held amid chablis and canapes in the richly appointed office of State Librarian Kevin Starr, notables ranging from Resources Secretary Doug Wheeler to Bill Lane, *Sunset* magazine's former publisher, praised the book for its reminders that California is worth preserving.



Starr noted it is meant not only to record outdoor beauty but to prod readers into seeing natural resources as key to the state's healthy economic outlook in the new millennium. It is a challenge made even more difficult, noted land-use author Bill Fulton writes, by the changing face of California's demographic landscape. "Recent immigration has given the economy a far more working-class character and renewed the culture clashes that date back to the backlash against the Chinese during the Gold Rush. Meanwhile, the traditional California conservation constituency remains mostly white and mostly middle-class — out of synch, it would seem, with 'the new California.' " Fulton says there is work to be done in persuading newcomers to help preserve the land. In this, he has rightly pinpointed the moving target that presents conservationists with perhaps their stiffest challenge as the Golden State eases toward yet another new era.

By the numbers

In the Aftermath of Term Limits

100%: Turnover in the California Legislature, as of November 1998.

8: Number of years after passage of term limits it took to achieve the clean slate.

11: Number of state senators in the last batch termed out in November.

262: Combined years of experience of those 11 state senators.

59: Average age in the state Senate before term limits.

52: Average age in the state Senate today.

100%: Increase in women state senators since term limits passed.

100%: Increase in Latino state senators since term limits passed.

10: Average level of experience in the Legislature before term limits, in years served in the Capitol.

5: Average level of experience in the Legislature today, in years served.

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A new shade for

This past spring, only weeks before his faltering gubernatorial campaign began to take off, Gray Davis sat down with a group of journalists in midtown Sacramento. Displaying his usual kinetic self-assurance, Davis disarmed the half-dozen or so editors and reporters with a detailed (and ultimately accurate) explanation of exactly how he would eventually win the governorship. But for some, the most revealing moment of the session

Throughout his career, Gray Davis' colorless moniker has been considered a metaphor for his political image. But after winning a campaign that rejected black-and-white political stands, Davis now finds that he must live up to the name he's had to live down all these years.

By Steve Scott

came when one of those present, a magazine editor, tried to excuse himself to go to another meeting.

"Before you go, I just want to make this one point," said Davis as the journalist reached for the door. That "one point" turned into a five-minute *Reader's Digest* version of his main themes, complete with tag line about California's status as a "state of destiny." Clearly, nobody was going to leave that room until Davis had said what he wanted to say, the way he wanted to say it.

For the better part of his adult life, Joseph Graham Davis has directed his considerable political skill toward the objective of becoming governor of California. The experience showed as he dispatched wealthy wannabes Al Checchi and Jane Harman in the primary and obliterated GOP governor-in-waiting, Dan Lungren, in the general (see *CJ*, December 1998). Yet as he takes the oath to become

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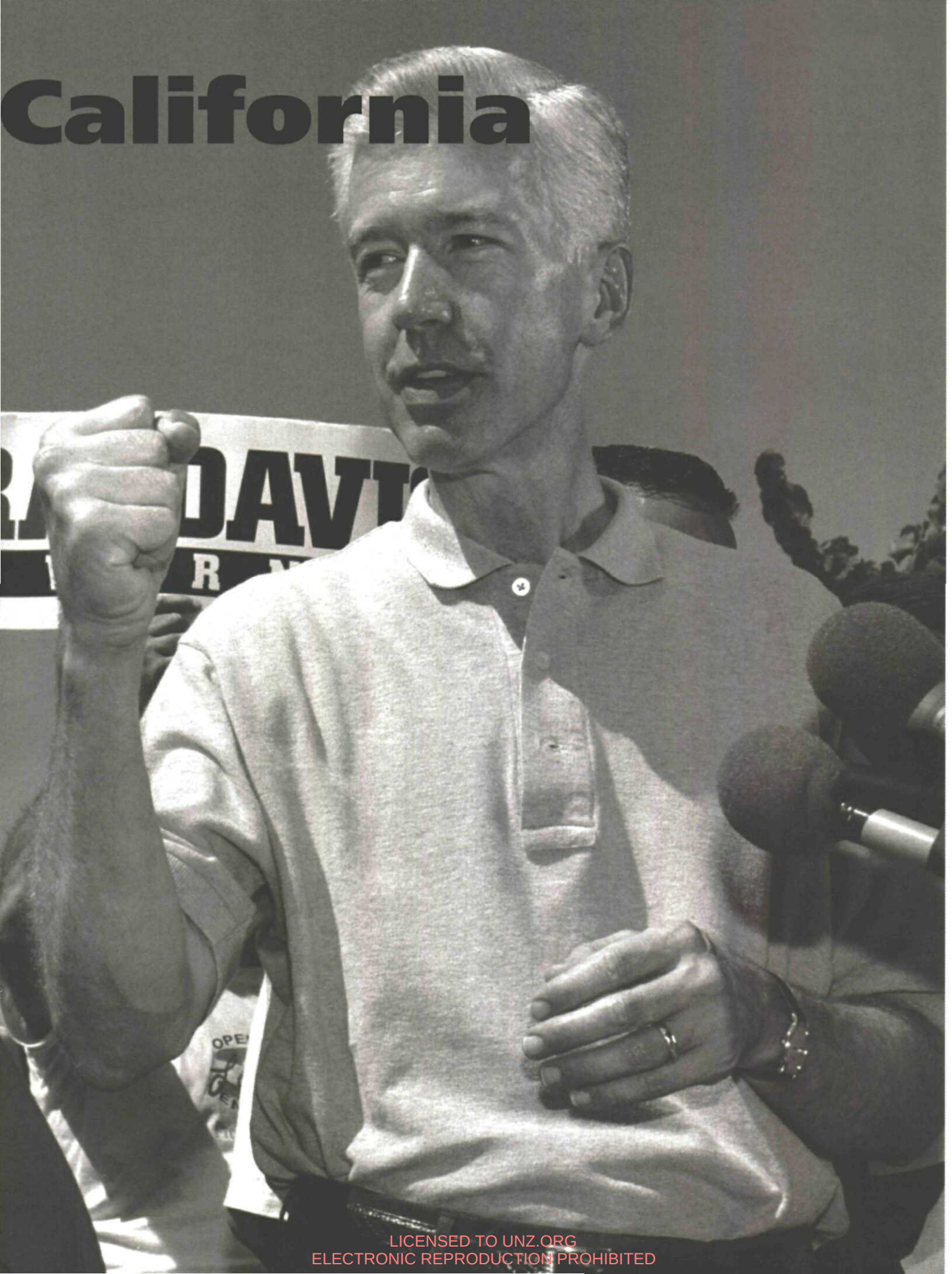

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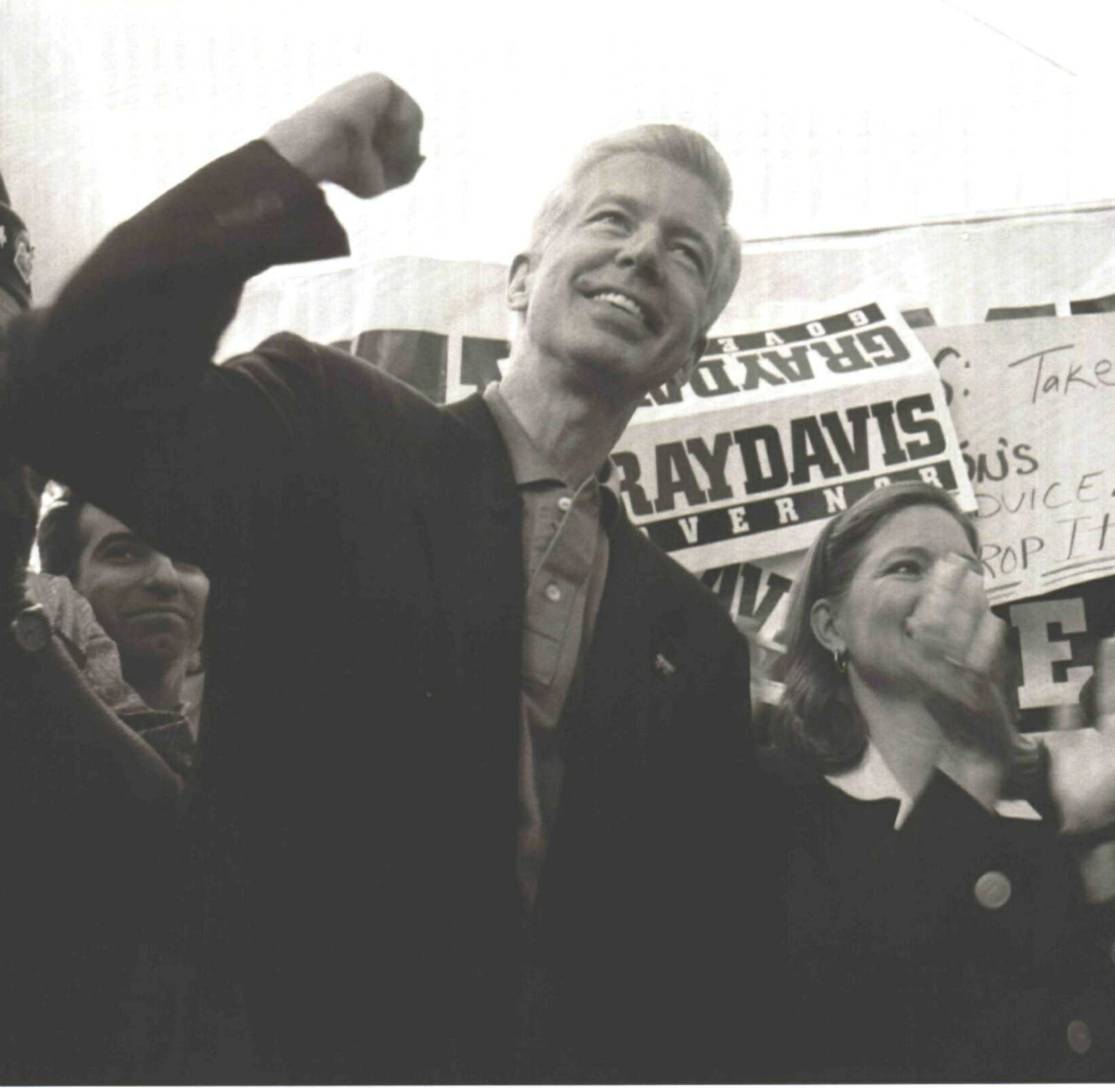

the first Democratic governor in 16 years, Davis presents something of a mystery. Most of the California political establishment is used to thinking of Gray Davis as a role player — an intelligent and ambitious opening act who lacked the charisma to top the bill. In between bites of crow, the members of that establishment — along with everyone else — are all asking the same question: Now that he's gotten his dream job, what is he going to do with it?

What qualities and management style will Davis bring to the office? How will Davis work with a Democratic-controlled Legislature thirsty from a decade and a half of GOP vetoes? And is his vow of centrism a heartfelt philosophy of governing or merely an acknowledgement of the political realities that delivered him into office?

Those looking for the answers to these and other questions were kept cooling their heels during the early stages of the Davis transition. Whereas his two Republican predecessors — George Deukmejian and Pete Wilson — named key staffers within a week of their elections, it took Davis a full month to begin rolling out his key appointments. His policy pronouncements during the transition have dealt almost exclusively with education (see page 15).

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Few who have watched the new governor over the years are surprised that he has taken his time putting a government together. Friend and foe agree Davis is nothing if not cautious, and even he concedes his decision-making process involves living with a decision for a while before making the final call. But "cautious" is only one of the words used to describe Gray Davis. Expressions such as "persistent," "methodical" and "determined" also pop up, characterizations borne out by his decades-long quest for the governorship.

Then there is his experience. In addition to a wealth of time in elective office — four years in the Assembly, eight years as controller and four as lieutenant governor — Davis also has experience "on the inside" from seven years as chief of staff to the last Democratic governor, Jerry Brown. Davis was more than Brown's gatekeeper. He was the hub of the wheel, keeping the state running during Brown's frequent bouts of presidential wanderlust, and focusing the high-minded chief executive on the more pedestrian aspects of the job.

"Let's be frank — he ran the show," said David Rosenberg, a Yolo County supervisor who was Davis' chief deputy during the Brown years. "Because the governor focused everything on Gray, Gray needed to know everything."

Davis' centrality in the Brown administration could be the template for his management approach as governor, especially with the relatively shallow Democratic bench left by the Democrats' 16 years in the gubernatorial wilderness. Davis has always been a politician who plays his cards extremely close to the vest, lacking the extensive inner circle of trusted aides characteristic of Wilson, Deukmejian and others. Early indications are that he wishes to remain the man with the answers in his own administration, doing most of his own pre-inauguration work on the budget himself, before he even named a finance director. Many believe Davis will have to learn to delegate if he is to succeed as governor.

"His unconscious first tendency will be to be his own chief of staff," said former Assemblyman Phil Isenberg (D-Sacramento), who has advised Davis during the transition. "That'll last about six months."

"His unconscious first tendency will be to his his own chief of staff." — Former Assemblyman and Davis advisor Phil Isenberg

Another management challenge faced by every new governor is figuring out how to work with the state Legislature. Superficially, this would seem to be Davis' easiest task. After all, both the Assembly and the Senate are controlled by his party, and each house saw its Democratic majority strengthened after the November elections. But here again, the party's long dry spell in the top job complicates matters. Democratic lawmakers have spent the better part of two decades watching their legislative initiatives get shot down, first by Deukmejian and then by Wilson. "His problem is that the Democrats have been out of power for 16 years," said former state Senator Bill Campbell (R-Hacienda Heights). "There's a lot of pent-up demand."

Those frustrations could surface in legislation that Davis would just as soon not see reach his desk. Both Assembly Speaker Antonio Villaraigosa (D-Los Angeles) and Senate President pro Tempore John Burton (D-San Francisco) are self-described liberals. When asked what specific vetoed legislation he expected to see Davis sign, Burton cited a bill dealing with the economic rights of domestic partners. "They [Burton and Villaraigosa] are the most left wing of the caucus," noted GOP consultant Tony

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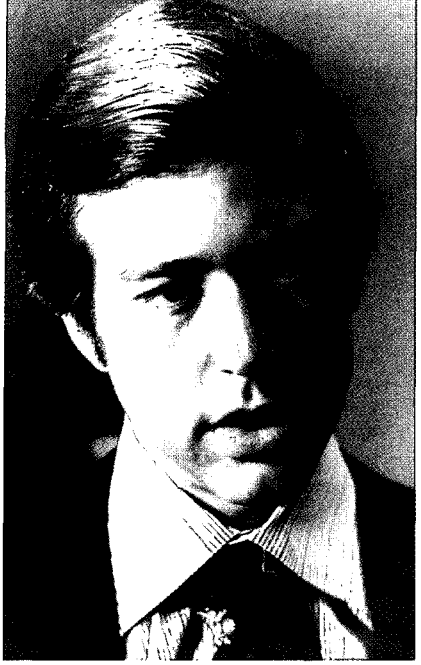


Davis as chief of staff

Quinn, a former legislative staffer. "Expecting them to be moderate is like expecting Newt Gingrich to be moderate."

To address that concern, the ever-cautious Davis is likely to work closely with committee chairs. "He'll have to work out some sort of agreement with the leadership that much of that stuff doesn't get down to his desk," said Campbell. Davis can also be expected to build more relationships across the aisle than did predecessor Pete Wilson. "I take him at his word that he wants to govern as a moderate," said incoming Assembly GOP Leader Rod Pacheco (R-Riverside). "If he does, I suspect I will not be his worst enemy."

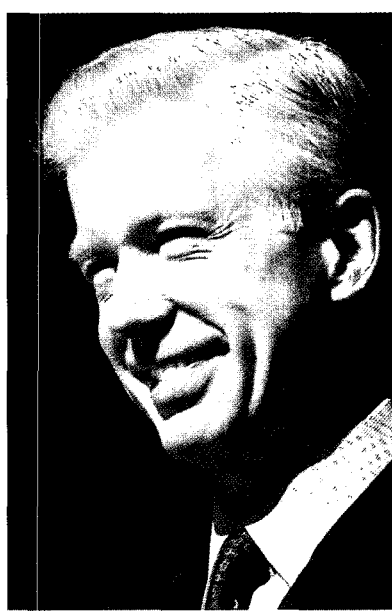
Will Davis govern "as a moderate?" Or was his vow to provide common-sense governance merely an act staged for the benefit of the voters? The answer depends upon how closely the Gray Davis of reality matches up with the Gray Davis of legend. Ever since he stepped out of Jerry Brown's shadow in 1981, Davis' political rivals — both Republican and Democrat — have tried to throw that shadow right back over him, casting him as a clone of "Governor Moonbeam." The tactic has been famously unsuccessful, but what has stuck to the governor-elect is a reputation for tacking with whichever political wind happens to be blowing at any particular time — with the notable exception of any wind that might require him to cross the special interests that finance his campaigns.

It is those interests — more than Davis himself — that the new governor's potential adversaries worry about. Davis raised and spent some $30 million to win his job, with organized labor and the state's civil trial lawyers his largest and most loyal contributors. According to the California Voter Foundation, Davis' largest single contributor was the California Teachers Association, the state's largest teachers union, which ponied up nearly $1 million on his behalf. Among his largest individual contributors was William Lerach, a litigation specialist viewed by many in the business and high-tech communities as "Public Enemy Number One" because of his track record in extracting huge civil settlements from businesses.

"Right there is a built-in conflict," said John Sullivan, president of the Association for California Tort Reform. "By any definition, the proposals that the trial lawyers would most like to see enacted are not moderate."

Davis himself seemed to understand these concerns as early as Election Night when, in his acceptance speech, he vowed to "challenge orthodoxies" in pursuit of his policy goals. His allies contend the new governor is no special-interest lapdog, and even if he did show such tendencies, his margin of victory gives him more than enough breathing room to be his own man. "Gray was not elected by a 1 percent or 2 percent margin — he was elected by a landslide," noted Rosenberg. "He has been given a lot of freedom to do what he truly believes is right." Davis could also be constrained by the emergence of fiscal projections showing the possibility of a $1 billion shortfall during his first budget. Neither is Davis a "Johnny One Note" when it comes to economic issues, having also cultivated ties with the state's business community. "We've always had a good working relationship with him," said Campbell, a former president of the California Manufacturers Association.

And what of the stereotype of Davis as an ambitious poll-watching opportunist? A partisan canard, according to his friends. "The part about focus, drive and determination is true," said Isenberg. "The rest is wildly overstated." Indeed, compared with predecessor Wilson or election challenger Lungren, Davis seems to have a disarming measure of self-effacing perspective and humor. After sitting next to incoming Minnesota Governor Jesse "The Body" Ventura at a National Governors Assocation luncheon, Davis deadpanned that he "felt very protected." Former Jerry Brown aide Bobbie Metzger, who is also helping Davis during the transition, believes Davis is being unfairly attacked for a level of ambition that, in other professions, would be viewed in a positive light.



Davis as governor

"I think Gray always wanted to be somewhere where his abilities and smarts could come into play to benefit the state that he loves," said Metzger. "I don't think he was any more ambitious than any of the rest of us."

Metzger and others believe Davis' days as a political climber are over, at least for awhile, and Californians can expect him to bear down on the problems of the state. "I heard him talk about education to small groups, big groups, whoever would listen to him," said Metzger. "He really cares."

One thing is certain. Whether it's education or the economy or executions, Gray Davis can be expected to attack it with the same single-mindedness he showed in that spring meeting with reporters and, indeed, throughout his political life.

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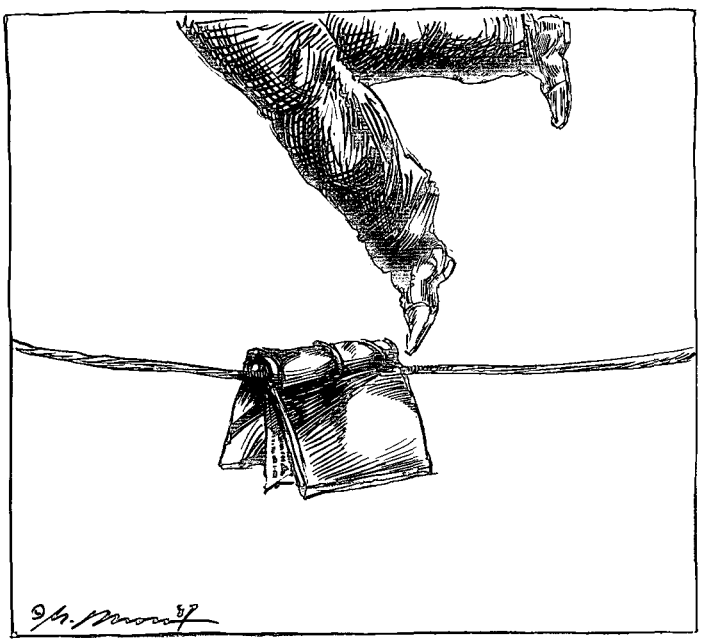
Davis and education: Can he move the mountain?

By Sigrid Bathen

"The voters have thrown us the ball. We'd better not drop it."
— Kerry Mazzoni
(D-San Rafael)
Chair, Assembly Education Committee



As he faces looming deadlines to create an administration, a legislative agenda and a state budget, Governor Gray Davis has moved swiftly on his priority campaign issue, naming two top state educators to key transitional and cabinet positions and appointing a 13-member task force of luminaries in education and business to flesh out his admittedly vague education agenda.

Former state Senator Gary K. Hart (D-Santa Barbara) — a Stanford University classmate and fraternity brother of Davis, a legislator for two decades who chaired the Senate Education Committee for 12 years and then headed the California State University Institute for Education Reform — became Davis' first cabinet-level appointment December 1, even before a chief of staff or a director of finance was selected. Barry Munitz, the charismatic former CSU chancellor who heads the J. Paul Getty Trust and got to know the then-lieutenant governor at meetings of the CSU Board of Trustees — "We agreed as often as we disagreed," said Munitz — was named the new governor's transition director.

Munitz' mark on the task force is unmistakable: Of the 13 members, seven, including Hart, are in some way connected with higher education, the most prominent being University of California President Richard C. Atkinson. The panel reflects growing concern about the sorry state of teacher training in California — a task falling mainly to the CSU, and a major focus of Hart's institute — as well as the heavy demands placed on higher education by unprepared high school graduates requiring expensive remedial education. With a burgeoning and increasingly diverse student population and the pressures of class-size reduction, California must train considerably more, better-prepared teachers for a public school system that ranks near the bottom in the nation in achievement and resources.

Mary Bergan, the California Federation of Teachers president who is one of three teachers' union leaders on the education task force, called the panel's charge, with some understatement, "a pretty daunting task."

Clearly, despite his avowedly cautious, moderate approach to governing, Davis hopes to shake up the education establishment, an entrenched bureaucratic behemoth if ever there was one. Although his blue-ribbon advisory panel represents a broad spectrum of the education community — the teachers' unions, a pioneering elementary school principal, the superintendent of a large district (San Diego), and charter school advocates — it also includes prominent business leaders and pointedly does not include the heads of major statewide education groups representing school boards and administrators. Even the lone school superintendent, Alan Bersin, is something of a maverick, a former U.S. Attorney and "border czar" rather than a career educator.

Acknowledging some hurt feelings in the notoriously thin-skinned education community over the composition of the task force — "some were clearly annoyed," he said — Munitz is unapologetic: "This is not like a two-year study commission to look at the root causes of problems in K-12," he said in an interview. "We have key deadlines to meet, and we have to move quickly." Most important, he said, is to call a special concurrent legislative session on education — and actually craft legislation for Davis' many, potentially pricey, education proposals.

Notably absent from the dominant higher-education component of the task force are the state's community colleges, with their maze of locally elected boards and a

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statewide governance system with limited authority. "Unlike the CSU and the UC, " says Munitz, "it is a state system that cannot govern."

While the fact that both higher and "lower" education leaders are sitting down at the table together sets a major precedent in state education planning, perhaps the most daunting task for the Davis education advisers is reforming California's unwieldy system of K-12 governance. It is a quirky, Rube Goldberg-like bureaucratic contraption, created over decades, spilling over into the two-year college system and hardly mentioned in any of the quick-fix political reform proposals – though clearly at the heart of the state's education quagmire. There are some 1,000 local school boards overseeing nearly 8,000 schools in California, with wide variations in district size and, many critics say, general competence. Add to that the 58 obscure county boards of education, all elected save Los Angeles, which is appointed by the Board of Supervisors, overseeing separate county education bureaucracies. For the 106 community colleges, there are 71 locally elected boards to oversee district bureaucracies, plus a state chancellor's office.

At the state level, California also has a constitutionally mandated, ostensibly non-partisan, state superintendent — Delaine Eastin, elected to a second term — who heads the state Department of Education but has little real power over either the state education budget or the local schools. Policy authority is vested by court order in an 11-member state Board of Education appointed by the governor.

"It's got to be streamlined," says Munitz of the state's education bureaucracy. And, at some point, he adds, "We have to take a look at this massive truckload of an education code."

It is ironic that Hart will fill a cabinet-level position created by Wilson to further blunt the already limited authority of the state superintendent. Wilson was repeatedly rebuffed by the Legislature in his efforts to form a new education agency, and created the position by executive order. It is unlikely that Democrats Davis and Hart, despite their occasional differences with Eastin over the years, will want to alienate her. While Hart has said he believes the superintendent's position should probably be abolished, he is nonetheless widely touted as a candidate for the post in 2002.

Hart says the diverse backgrounds of Davis' key education advisers on the task force represent both "its strength and its challenge" in reaching consensus on front-burner issues such as teacher preparation, early reading instruction and the twin reform buzz words of "accountability" and "excellence."

"We have to explore many options," says Hart. "No one has a corner on this market. If you want to put together a package that is credible, and will get through the Legislature, all sides have to come to the table. Everyone will have to give up something."

Senior Editor Sigrid Bathen covers education for the California Journal. *She can be reached at sigridb@statenet.com.*

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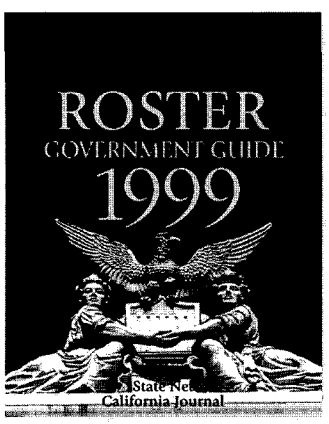

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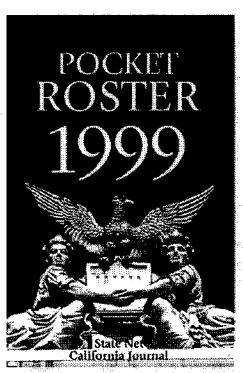

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The New Legislature: Resisting temptation

From the outside, the Roman Corinthian-columned structure sitting on 12 square blocks in the center of downtown Sacramento looks the same. Water still flows from the fountains on the west side, and the war memorials and monuments remain nestled among the grove of magnolias on the east. But inside the Capitol, all is topsy-turvy. A Democratic governor in the Corner Office for the first time in 16 years, coupled with fortified Democratic legislative majorities, has left staffers, lobbyists, and even members excited, queasy and unsure of how the 1999-00 legislative session is going to play.

Sure, it's a dream scenario for Democrats but one unlikely to prove much fun, as Governor Gray Davis pressures legislative leaders to bend over backwards to prove their moderation.

By Anthony York

The Assembly

There is a new swagger in the step of Assembly Speaker Antonio Villaraigosa (D-Los Angeles). Buttressed by five more seats in his legislative majority, the Los Angeles Democrat now has a chance to place his stamp on legislative committees and leadership. When he took over from former Speaker Cruz Bustamante (D-Fresno) in February 1998, he left most of Bustamante's committee chairs and lieutenants in place. Now Villaraigosa gets to push up his sleeves and clean house.

"This is my own team now," the speaker said. One key addition to that team was Sylmar Democrat Tony Cardenas, who raised nearly $600,000 in the last election cycle, most coming from Indian tribes. Cardenas was picked to chair the Democratic caucus, placing yet another name in the hopper for the next speaker's race.

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1998

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Villaraigosa now has five additional Democratic mouths to feed and 16 new members to deal with in his own caucus. The new margin is important for Villaraigosa, who suffered occasional sabotage last year by errant members of his own party. With the margin tilted in his favor, Villaraigosa has more latitude to punish members who step out of line. But the calcified majority does not guarantee the speaker more leeway to wantonly pass legislation. With a Democratic governor, both Villaraigosa and Senate President Pro Tem John Burton (D-San Francisco) will now be increasingly relied upon to kill bills in their respective houses which Davis opposes.

Hertzberg (right)

Functioning as a gatekeeper is one way for the speaker, who endorsed millionaire businessman Al Checchi in the gubernatorial primary, to earn political chits with the new governor, though Villaraigosa said there are no residual hard feelings between him and Davis. "The Checchi thing hasn't hurt one iota," Villaraigosa said. "[Davis] realizes he never developed a relationship with me before the primary, but we have a great relationship now." Villaraigosa's sensitivity toward Davis is clear in the way he watches his words when prodded about the new legislative agenda. Villaraigosa knows that Davis can be an important ally in his future political endeavors, and the man who would be mayor of Los Angeles is especially careful not to force the governor's hand on anything. He speaks only in generalities, refusing to translate the sound bites of the campaign trail into specific policy proposals.

"We've got to invest in California," Villaraigosa says. "That doesn't mean specific bills or bonds today, but we've got to begin the debate. That's part of leadership."

More than ever, the speaker is preaching the gospel of moderation as Democrats squeeze tighter on the reins in Sacramento. "When I spoke in my caucus on this issue, I told them you don't pick the pendulum up and move it to the other side. You swing it slowly back."

Already, a partnership of sorts has formed between Davis and Villaraigosa. The two forged ahead toward their common goal during the campaign, with Villaraigosa appealing in Spanish-language ads to TV audiences on Davis' behalf. Davis responded in kind with a few, well-placed six-figure checks in close Assembly contests. Davis' contribution was just one component of an unprecedented fund-raising effort by Assembly Democrats, spearheaded by Villaraigosa. His top lieutenants, Assembly members Robert Hertzberg (D-Sherman Oaks), Kevin Shelley (D-San Francisco) and Carole Migden (D-San Francisco), raised nearly $1.5 million for the Democratic cause between them, and are sure to remind members of that fact when the next speaker's race gets underway.

Pacheco (left)

But Villaraigosa is in no hurry to give up his post, and it looks as though Shelley, Hertzberg, Migden and other ambitious Democrats may have to wait. With the Los Angeles mayor's race not until April 2001, Villaraigosa

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has said he expects to remain as speaker for the duration of his final two-year term. "I expect to hold on to this job, unless there comes a time when my focus is on something other than the caucus," Villaraigosa said.

Since the departure of Willie Brown and the phase-in of term limits, the Assembly has suffered from an inferiority complex. Signs of this are still evidenced in the speaker, who acts like a man with something to prove and bristles when people suggest the Assembly will be the lesser of the two legislative houses. "The days of the Assembly as the junior house are over," he said. "The result of this election is that you have an Assembly that's in a much stronger position, and an Assembly Democratic caucus that's more united than it's ever been." One thing remains certain: With a firmer grip on the lower house, a Democratic governor in the corner office and unwavering political ambitions, Antonio Villaraigosa is the man with the most to lose if things go awry for Democrats.

The Pacheco factor

The lower house's great unknown is Villaraigosa's new Republican counterpart, Assembly Republican Leader Rod Pacheco (R-Riverside). Last year, the 37 Republicans in the state Assembly were the group most responsible for moving state politics to the right. They held the line on an historic school bond deal, refusing to support it until it included caps on developers' fees and other school construction restrictions, while their counterparts in the Senate and Governor Pete Wilson endorsed more moderate school bond deals. Assembly Republicans also led the charge on a cut in the state's car tax, even though the final deal fell well short of the full repeal they sought.

Pacheco was elevated in the wake of 1998 elections that cost Republicans five Assembly seats and former Republican leader Bill Leonard (R-Upland) his leadership post.

The task ahead for Pacheco is a daunting one with diminished numbers in both Republican legislative caucuses and no Republican backstop in the governor's office to wield a veto pen against left-leaning legislation. As part of the Sisyphian task ahead, Pacheco, a former prosecutor elected to the Assembly in 1996, must also demonstrate that a moderate can lead the Republican caucus.

But the change in political philosophy is not likely to be the biggest difference between Leonard and Pacheco. Though Pacheco may be less of a rock-ribbed conservative than Leonard on key issues like abortion and school vouchers, he is seen as more confrontational. "I would use the word resolute," Pacheco said when asked to describe his leadership style. Semantic soft-shoeing notwithstanding, few would deny that Pacheco is more of a street fighter than Leonard.

The relationship between Pacheco and Villaraigosa will be an important one, setting the tone for the day-to-day operation of the lower house. Though both men try to downplay it publicly, the two have already hit some snags in the process of feeling each other out. Within weeks of Pacheco's ascent, they clashed over house resources and changes to the Assembly rules, though Villaraigosa says he will still allow Pacheco to name his own vice-chairs to legislative committees. "This is not going to be the same as it was with Bill Leonard," said one Republican assemblymember. "Rod is a hothead and Antonio is a hothead, and inevitably, some of that is going to boil over."

Villaraigosa

Though Pacheco brushed aside suggestions that he will be more adversarial than Leonard, his bellicose language seems to reinforce that widely held hypothesis. "I've been a prosecutor, so my background is in the courtroom. If you've ever been in that setting, you know it's akin to warfare," Pacheco said. And without a Republican governor and nearly two-thirds of the Senate seats in Democratic hands, Pacheco and his caucus will increasingly be looked to by business groups and others to derail the Democratic legislative locomotive. Pacheco is confident that Republicans will stand their ground. "It's been my experience that people band together when they're embattled," he said.

The new Republican leader seems determined not to roll over for the new Democratic super-majority. Though he denies he will make mischief for its own sake, he readily admits a willingness to employ procedural moves to block Democratic bills that Republicans dislike. That could present problems for a house that runs largely on a system of rule suspensions and second chances, which are often viewed as formality or common courtesy to grant the opposition. But since these rule suspensions require a two-thirds majority, it is also a powerful tool for the minority party to employ to stop a majority juggernaut.

"Am I going to play games? No. But am I going to use the rules of the house to defend our political philosophy? Absolutely," Pacheco said.

At the same time, Pacheco says he's gotten along with Villaraigosa for the last two years. "I don't anticipate a problem, but I guess we'll just have to wait and see. Do I want to get along with the speaker? Of course. And there's no reason for me to suspect that we won't be able to have a good working relationship."

Pacheco seems comfortable with the symbolic nature of his role as the most prominent Latino in a party with deep problems in appealing to the Latino community, and whose leadership bench was decimated in the last round of elections. But he said he hopes his rise to power will bring an end to "wedge politics" and Democratic harping on past missteps by California Republicans. "I don't go around

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talking about the history of the Democratic Party in enforcing Jim Crow laws in the South or their ties to slavery, but that's very much a part of their party's history," Pacheco said. "People want to move on, and they want us to talk about issues."

The steady Senate

While the Assembly promises to be the more explosive of the two houses, the Senate seems poised to uphold its stately reputation. The leadership team of Burton returns vindicated to Sacramento. Burton's corps held all of its close seats, knocked off onetime Senate Republican Leader Rob Hurtt in Orange County and picked up a San Francisco seat in the wake of the retirement of the Legislature's lone independent, Senator Quentin Kopp. Although Burton's actual leadership team has not changed, there have been some key shifts in the makeup of the Senate, including big gains by both women and Latinos.

Brulte

Many of the Senate's key policy committees are now being run by women. Senator Deirdre Alpert (D-Coronado) takes over as chair of the Education Committee, Senator Betty Karnette (D-Long Beach) will be in the driver's seat on Transportation, and former Assemblywoman Jackie Speier (D-San Francisco) returns to shepherd major HMO reforms as chair of the Senate Insurance Committee. New Senators Debra Bowen (D-Marina Del Rey), Deborah Ortiz (D-Sacramento), Martha Escutia (D-Bell) and Liz Figueroa (D-Fremont) will all chair committees during their maiden voyages in the upper chamber.

Johnson

One-fourth of the Senate's 40 members are women, nine of them Democrats, the fruits of a concerted effort by Alpert and others to increase the number of women in the Legislature. The lone Republican woman senator, Cathie Wright (R-Simi Valley) faces term limits in 2000. "Back in March we realized there was a possibility to have a lot more women in the Senate," Alpert said. "In the last 150 years, there have only been eight Democratic women in the Senate. Now, we have nine all serving at the same time."

Alpert believes that will have a tangible effect on the way the state does business. "I think there is some truth to the stereotypes that women place certain issues on a higher level of importance," she said. "Child care, women's and children's health, education all fall under that category and all of these issues are now mainstream issues. Women talked about those issues more passionately and sooner than anybody else."

With only three new members lacking legislative experience, Burton expects the Senate to be the more functional house in the early part of the new session. But in making that assertion, the Senate leader is careful not to step on the toes of the Assembly speaker. "I think we have two equal houses," Burton prefaced. "It may take a little bit longer for the Assembly to get organized, but the speaker will be able to direct policy there. He's got bigger numbers and a lot newer members, but he's also had some time under his belt. He's had his baptism of fire."

The relationship between the two top Democrats in the Legislature was strained at times last year, most notably over Villaraigosa's maneuvering on the $9.2 billion school bond proposal. But with Gray Davis now in office, both legislative leaders are going to be taking initial cues from the new governor. Burton remains the more bombastic of the two, and is less likely to mince words even with a governor from his own party. Whereas Villaraigosa can be helped by Davis in his future political endeavors, Burton is a seasoned hand, first elected to the Legislature in 1965, and approaching the final stretch of his political career. "I suspect Antonio Villaraigosa and the Assembly generally will be more receptive to Gray Davis for a number of reasons," said GOP Senate Caucus Chair Jim Brulte (R-Rancho Cucamonga) "For one, Antonio is in the beginning of his career. He has a great future ahead of him if he plays his cards right. Plus, you have a lot of freshman legislators

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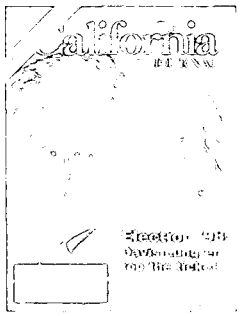

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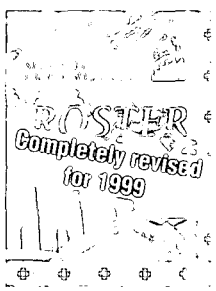

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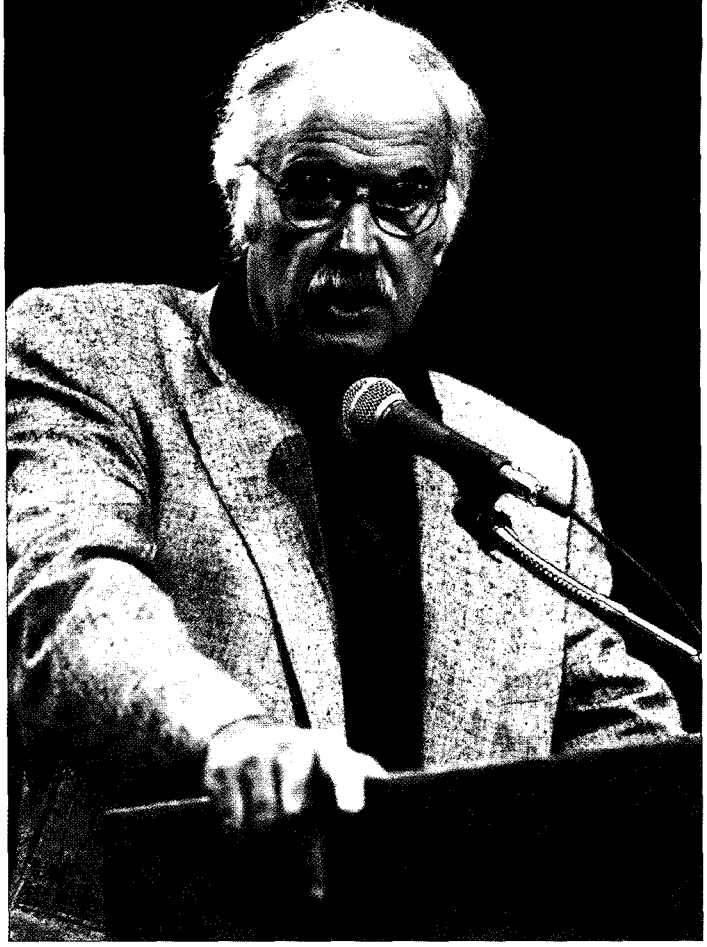
in the Assembly who don't know it's all right to disagree with a governor from your own party. That's not the case in the Senate."

For example, while Villaraigosa seems willing to use an expected state budget deficit as a reason to say "no" to Democrats' pent-up demands, Burton is not. "You shouldn't have to rely on an excuse of a budget deficit," he said with characteristic bluntness. "If you don't have the courage to say no, you shouldn't be in this business."

For Senate Republicans, a resolute fatalism is beginning to take hold. Senate Republican Leader Ross Johnson (R-Irvine) says that while the situation ahead is far from desirable, it is nothing new. "I've been there before. When I was elected to the Assembly 20 years ago, there were only 30 Republicans and Jerry Brown was governor," he said stoically. "Twenty years later, here I am with a Democratic governor and 15 Republicans in the state Senate."

Johnson is realistic about his new role. Democrats are only two votes shy of a two-thirds majority in the Senate, and Republicans are without the foil of a Republican governor. "We're in the minority, and the opposition controls both houses and the governorship," Johnson reflected. "I think more than anything, in this position you need a sense of humor."

Anthony York is an associate editor of the California Journal. *Comments on this article may be e-mailed to anthonyy@statenet.com.*



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Freshman class

'Real change may come in increments. And it must be done carefully and thoroughly. That's why I'm limiting myself to only 10 to 12 bills this year.'

By Charlene Zettel

Editor's note: Twenty-nine bright-eyed and bushy-tailed newcomers, buoyant with enthusiasm and energy, join the march of the California Legislature this year. Before the old hands of the Capitol could set them straight (see Phil Isenberg's piece, page 30,) we invited two rookies to put pen to paper to chronicle the early expectations of a first-termer. What follows are the rose-colored outlooks of Charlene Zettel (R-Poway) and Darrell Steinberg (D-Sacramento).

Running for state Assembly is one of the most demanding and exciting endeavors imaginable — but winning the election was only the first step.

As I took the oath of office, I looked at the formidable task of serving as a minority member of the minority party that must help resolve long-standing and newly emerging issues in a state of unprecedented change, increasing diversity, increasing partisanship and competing needs.

As we enter the final year of this century, we face critical, complex challenges like water quality and distribution; improving education; fixing our roads, bridges and highways; local government financing; and addressing the growing problems of domestic and juvenile violence. Many of these issues have been ignored or even exacerbated by years or even decades of bickering or neglect.

At the same time, I must balance my own life: my family, my business and my role as a Republican, a Latina, as a woman.

As California's first elected Republican Latina, I have a responsibility to show others — and not just Latinas — that Republican principles can solve real problems. And I want to show that anyone can — and should — have an active role in deciding the future of California.

Beside me is a long list of other freshman members facing similar challenges.

Many, like me, have little experience "under the dome" — a result of term limits and the competitive districts created by an impartial reapportionment.

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Illustrations by Sandra Hoover

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brims with great expectations

'Waking up on the morning after the election with the full realization that I now represent nearly a half million people gave me pause.'

By Darrell Steinberg

I was serving my first term as a member of the Sacramento City Council in 1995 when I thought I had a really promising public policy idea — Students Today Achieving Results for Tomorrow (START). The program would open 20 Sacramento schools from 2:30 to 6 p.m. daily and provide our children with a safe place for academic enrichment, arts and recreation.

I convinced myself that the program would be immediately endorsed by my colleagues and the public alike. What objections could there possibly be? In the answer to this simple question came one of the best lessons I learned in my council service: People see things in their own ways, and to expect otherwise stalls progress in public policy.

Some asked about START, "Where will the money come from in the midst of another city budget deficit?" Others wondered, "Shouldn't we spend the money on public safety?" And the most revealing question was: "Are you going to get all the credit for this idea?"

I quickly realized that each was a perfectly reasonable question. I could not expect others to share my enthusiasm when the idea was presented to them cold, stripping them of the benefit of living with it as I had done. So, I set out to answer each question, altering the START design in the process.

And the program is better for it. Three years later, START is a huge success that is being replicated statewide and around the nation. What it took to kick off this project has provided me with the lessons I take with me to the Capitol.

As I begin my first term in the California Assembly, I have a very different, more grounded perspective on the business of being an elected official. I remain confident that public service provides endless and attainable opportunities to help people. But I also realize that good ideas are only the very beginning of the process. Implementing good ideas requires strategic planning, teamwork, persistence, good personal relationships, compromise, and anticipating op-

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I am optimistic enough to believe that I can make a difference in my first year in the Capitol.

position. In short, nothing that is worthwhile can be achieved without a great deal of hard work and a clear, realistic focus on the outcomes.

This is particularly true in a term-limited state Legislature. The challenge is to find a balance between the need to examine long-term, important public policy with the reality that members will, at most, have only six years in the Assembly to make a mark. Term limits requires new members to simultaneously listen, learn and lead. This is a tremendous opportunity to demonstrate that bipartisanship and building consensus can change seemingly insoluble public problems. November's elections created an important, progressive policy mandate. The mandate must be pursued with a style that minimizes the acrimony that too often envelops the state Capitol and erodes public confidence in the Legislature.

Waking up on the morning after the election with the full realization that I now represent nearly half a million people gave me pause. I have followed state government closely for years, and I understand that the challenges posted at this level of service will mandate that I call upon all my skills if I am to accomplish substantive change during my tenure. Until now, I have been one of nine. I will now be one of 80. I know that I must (to use a sports analogy) take my game to a higher level.

To predict any level of success given the dense thicket of competing special interests in and around the Capitol, the vagaries of the economy and budget constraints and the ever-increasing demands on our programs, would be an error.

All that being said, I am optimistic enough to believe that I can make a difference in my first year in the Capitol. I want to be a constructive participant in the debate over the large policy issues that will come before the Legislature in 1999 and beyond — education, health care, local government finance, economic development, juvenile justice, infrastructure investment, welfare reform, etc. — but my goal will be to focus and to move concrete pieces of that larger debate forward to implementation.

Specifically, I want to have an impact in several key areas:

- Recruiting and retaining trained teachers in our most challenged schools.
- Improving the delivery of community mental health services to help make a dent in homelessness.
- Guaranteeing adequate and reliable funding sources for local governments, including community policing.
- Ensuring that every foster child has a caring, committed, long-term adult role model, and...
- Delivering our annual state budget balanced and on time.

Though the Capitol sits in my Assembly district, my biggest adjustment will be addressing a range of issues that may or may not require direct, daily constituent contact, neighborhood organizing, and community meetings. Local government allows you to develop a closeness with the people and issues of the district that will be difficult to replicate. At the local government level, there is never a question as to whether the impact of your decisions will be felt by your constituents, or that you as their city representative will hear about that impact almost immediately. Though I will be a level removed, it is precisely this sort of interaction with constituents that inspires my enthusiasm and ideas for positive change.

I want to strike the right balance, avoid at all cost the dreaded "memberitis" that seems to affect so many in the Capitol, and not forget for a minute that I am here to represent real people and get positive things done. I want to do whatever I can to restore the faith and trust the public should have in public service and in state government as an institution. I want to work as a problem-solver. I want to take the tasks and issues we face with the utmost seriousness while not taking myself too seriously. I want to end the first year knowing that something positive and tangible happened as a result of my efforts.

I look forward to the challenge.

Darrell Steinberg, a former Sacramento City Council member, is a Democrat representing the 9th Assembly District. Comments on his article may be e-mailed to editor@statenet.com

Zettel

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This lack of "dome experience" is both a blessing and a curse.

On one hand, there is a lack of "institutional memory" and the long-term personal relationships that can help people from different backgrounds and philosophies work together.

On the other side, we'll see greater willingness to try fresh ideas and approaches and a realization that we don't have 20 years to solve these problems. We're here for six years. Let's see what we can do.

The learning curve is steep — the complexity and variety of issues facing California is just part of that. As a freshman, I still need to learn about the system and how things work in the Capitol.

Just learning how the building works — physically as well as functionally — will be my first task.

And I must begin building the relationships needed to get things done. That means talking with my colleagues — Republican and Democrat — about what I want to accomplish, what they want to accomplish and how we can work together.

Our different backgrounds and philosophies mean we'll see problems from a different viewpoint. That doesn't necessarily make them wrong or me right.

I need to make the effort to see issues from different points of view. I need to articulate a vision on how I

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propose solving the problem. And I need to be wise enough to see that others may have real insight — then have the ability to incorporate those ideas.

That doesn't mean compromising my principles, but it does mean finding a way to solve problems — a solution that fits my belief in limited government and greater personal responsibility, opportunity and accountability.

To solve real problems, we need to build consensus and bring people together — as a school board member I've done that, albeit on a much smaller scale.

I understand that there is still much to learn. I learned my first lesson as I started to assemble my legislative package.

There are so many important issues, but real change may come in increments. And it must be done carefully and thoroughly. That's why I'm limiting myself to only 10 to 12 bills this year.

I anticipate working over the next six years to make changes that will improve education — dealing with facilities, funding, teacher competency and student performance. I don't expect to solve all the problems, but I feel I will be able to make changes to increase parental involvement, expand local control and raise expectations and standards of our students, parents, teachers and administrators.

The recent elections have galvanized elected officials into taking action to improve education. We must take advantage of this opportunity.

My first goal is to pass the California Truancy Reduction Act. Kids can't learn if they are not in school. And, keeping students in school helps reduce crime.

One million California children did not learn to read, write or speak English last year. Schools are graduating students who can't add well enough to work a cash register at Burger Barn.

Without these basic skills they are destined for a life of poverty, crime or welfare — but their writing skills are so bad, some can't even fill out a welfare application.

Some of our schools are falling apart because of poor maintenance, low expectations of teachers and students, ill-conceived social experiments, drugs and gang warfare.

We can restore public faith in our education system by demanding more of students and teachers, by raising standards, ensuring that children learn to read, write and speak English, improving school safety and requiring teachers to understand their subjects before letting them in a classroom.

Education is the key to many doors for everyone. Education helps reduce crime, provide economic opportunity, teaches society and shows us the need to be involved in our communities.

We can create better schools if we hold our teachers accountable for teaching, students accountable for learning and ourselves accountable for their success.

There are other critical issues facing California as well — we must improve roads and highways to reduce

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I hope that I'll serve as role model for Republicans, for women and for Latinos by working hard.

traffic congestion and handle the inevitable growth of many communities.

We need to strengthen regional cooperation between city, county, state and federal transportation and planning agencies. Perhaps legislation is not the solution here — and certainly a state-only solution will not work. What we need first is to communicate and work together, look for solutions and then take action.

Everyone may have to give up a little power. And in other cases, we simply have to remove barriers to real solutions — because sometimes the best thing government can do is get out of the way.

We also need to take real action to deal with California's water problems — troubles are brewing on many fronts, and while not yet a full-scale crisis, it will come at the next drought. CALFED offers a great deal of promise in dealing with some of the water problems surrounding the Delta and perhaps this is a model that can be put to use in other areas. But we still face a crisis with Colorado River water, and we must find a working balance between environment, agriculture (Central Valley, Imperial Valley and San Diego), new communities, business and urban needs.

Local government financing is a shambles — too much top-down control from the state is forcing bad planning on cities, counties and school districts.

And, health care concerns — both real and perceived — are growing. As a health care professional, I want to ensure that quality and patient care and choice are maximized — but at the same time, we must contain costs or few Californians will be able to afford decent health care.

We can no longer afford to "abstain" on these problems or let partisan bickering keep us from taking the first steps to resolution.

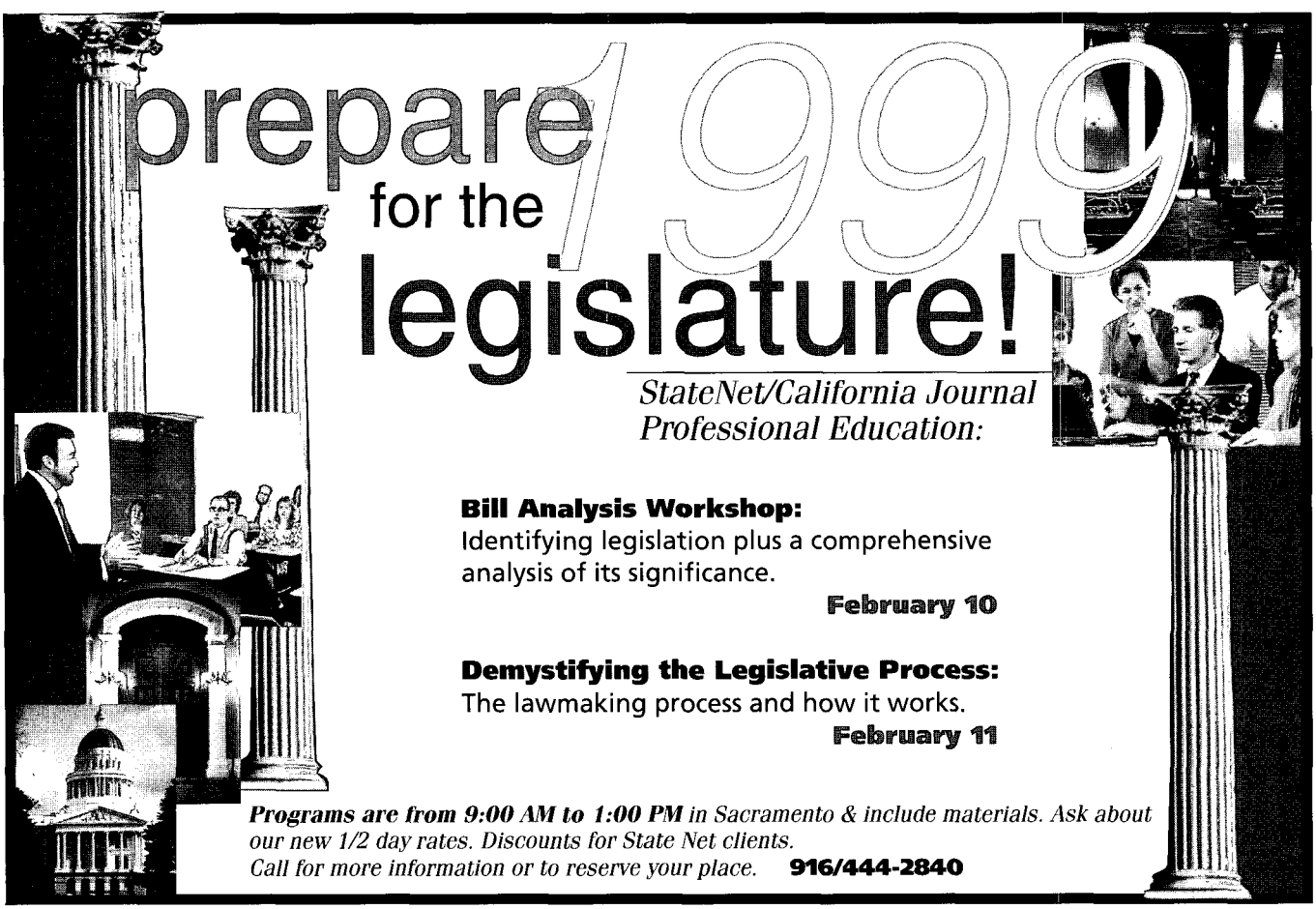
I don't expect to solve all of California's problems in six years — some of which have been created over the past 30 years — but I do expect that we'll take the first steps in dealing with some of the most pressing issues.

I hope I can provide some answers.

And I hope that I'll serve as role model for Republicans, for women and for Latinos by working hard, standing by my principles while solving problems.

I expect the six years will hold many opportunities, successes and disappointments — and yes, even failures. Making a difference is never easy — but it's worth the effort.

Charlene Zettel, a former school board member, is a Republican representing the 75th Assembly district in San Diego. Comments on her article may be e-mailed to editor@statenet.com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Carving out center ground

In that heady moment before the TV cameras on election night, Gray Davis described his 20-point victory as "a clear affirmation that Californians want to take a moderate path to the future."

"That is who I am," he said, "and that is how I will govern."

It seemed to make perfect sense at the time. But as Davis and his team actually get down to governing, there is this nagging question: In a state where better than 60 percent of residents tell pollsters that things are generally going in the right direction, is the moderate path to the future straight ahead, which is to say a continuation of Pete Wilson's administration? Or is it some middle course between the conflicting desires of that restive third of the populace that professes unhappiness with the way California is headed?

Tricky business, this moderate path to the future. Voters — and pundits — are hardly in a position to complain that candidate Davis misled anybody about his agenda. Apart from a mostly general committment to improve education, he didn't offer one. It's not surprising that three months after the election we're still guessing about where the new governor would like to go. What's striking is an almost total absence of expectations.

"If he did nothing but fix every pothole and every leaky school roof, he'd be a success," says GOP political consultant Tony Quinn, who notes with some amusement that nobody seems to talk about California being ungovernable anymore.

So what does it mean to govern as a moderate, indeed to define oneself that way? Moderate may be swell when it comes to climate, but it's hard to figure out where it starts you, let alone where it gets you, in crafting education, tax, health, transportation or environmental policy.

According to language maven William Safire, *moderate* is a "position slightly to the left of center, a word more dynamic than middle-of-the roader and more acceptable to conservatives than *liberal.*" As a right of center sort of fellow himself, Safire is perhaps understandably GOP-centric in his definition. But his point is well taken.

Although the term moderate has a political history dating back to the 16th century, its modern usage is most firmly rooted in the battle between Nelson Rockefeller and Barry Goldwater for the 1964 Republican presidential nomination.

Maybe then, "moderate" is the wrong term altogether for a Democratic administration. Maybe Governor Davis is best understood as a man of the center.

Webster's defines "center" as "a grouping of political figures holding moderate views, especially between those of conservatives and liberals." Safire is more illuminating in this regard.

The center, he says, is "the area where the swing voter lies, where the big decisions are made." And a *centrist* is "one closely attuned to the thinking of the majority," a politician who "can attract both mildly liberal and mildly conservative votes and can develop a pattern of positions that encompass points on both sides of an ideological fence." The entry in Safire's Political Dictionary is handily cross-referenced to the term *opportunist.*

The entry in Safire's Political Dictionary is handily cross-referenced to the term *opportunist.*

As Davis should know better than anybody after a quarter of a century in Sacramento, California's political winds are subject to sudden changes, which means the center is not so much a fixed point as a constantly shifting set of coalitions and interest groups who have the ability to ply their agendas not only in the legislature but also on the initiative ballot.

Imagine for example, not just a ballot full of initiatives to enact laws a Democratic legislature and Democratic governor have declined to approve, but a ballot full of referenda to overturn laws a noisy or committed minority find objectionable.

If centrism, or moderation, in the new Administration means a return of civility and consensus-seeking in political discourse, that is all to the good. But the big decisions in California over the next four years — on water policy, on health care delivery and cost sharing, on transportation improvements and financing and above all on sorting out the tangled relationships between state and local government — don't easily lend themselves to middle ground.

Candidates, as the November election clearly showed, do well in seeking the center. Governors have to build it.

Contributing Editor Susan Rasky is on the faculty of the University of California, Berkeley. Comments on her column may be sent to editor@statenet.com.

by Susan Rasky

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A Guide for the Perp

By Phil Isenberg

Editor's note: Phil Isenberg has been hanging around the state Capitol for three decades. Before becoming an elected official, he toiled as an aide to Assemblyman Willie Brown Jr., including a stint as chief consultant to the old Assembly Ways and Means Committee when Brown was chairman. His elective career began in Sacramento city government during the 1970s, when he served one term on the City Council and two more as mayor. In 1982, Isenberg was elected as a Democrat to the Assembly, where he remained until term limits claimed him in 1996. For the past two years, he has practiced law in Sacramento and also taught at the University of California, Berkeley. Most recently, he was part of Governor Gray Davis' budget transition team.

With apologies to Memonides, a veteran former legislator gives rookie lawmakers a primer on how to succeed at their new business. The formula? Work hard and maintain a sense of humor – mostly about yourself.

On December 7, 1998, a lot of brand-new state legislators took office in Sacramento. Full of promise, hope and questions, they assembled in their temporary offices, juggled family and friends come to watch the event, answered telephone calls, worried about whom to hire as staff, and met a number of suspiciously friendly people known as lobbyists. Many of them came from service on school boards, city councils and boards of supervisors. All of them brought impressions of the state Legislature. And, if history is any guide, almost all of them considered themselves different from the veteran legislators who roam — or have roamed — the halls of the Capitol.

Even after 25 years in elected office, I can remember almost every minute of my first day in the Legislature. When I left office in 1996, I had learned a few things,

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Illustration by Sandra Hoover

some to my great surprise. For what it is worth, here is my **Guide for the Perplexed New Legislator.**

Lesson 1: You will wind up liking your colleagues a lot more than you think.

The big surprise. The women and men who serve as your colleagues are a rather likable bunch. Now, let's not overdo it. Some can be offensive, and nearly every legislator talks too much. But on the whole, the California Senate and Assembly is a reasonable representation of the people of the state. I made friends who will remain friends for the rest of my life — as will you.

It also surprised me that when colleagues disagreed with me on questions of public policy, they did so based on their predispositions, their values and opinions. Sure, occasionally an issue takes on a hard partisan edge, or an issue brings warring economic forces into the Legislature, which generates a lot of calculation. And all of us are confused by the facts associated with large issues and tend to sloganize too much. Nonetheless, people almost always vote the way they actually feel and believe — not the way lobbyists tell them to vote.

Lesson 2: You don't have to be an expert on parliamentary procedure.

The Legislature is confusing. What are "motions and resolutions?" How do you actually introduce a bill? What does it mean to "pass on file?" How about "suspense files" and "motions

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to reconsider?" Shouldn't you learn the jargon and rules now?

Relax. The basic rules are relatively simple, and after three months you will know enough to get by. First, you only debate items that are actually in front of you. Second, try to stick to the point.

Third, you are limited in the amount of time you, the committee on which you serve, or the house will debate any bill. The rest of it represents the system's bells and whistles.

As with many aspects of legislative life, a little knowledge goes a long way. Your colleagues almost never pay attention to parliamentary procedure, so if you learn some of the tricks, you'll mostly look smart. Sometimes, of course, you won't look smart — just like a smart aleck. But if your side is losing a vote, knowledge of parliamentary procedure can buy some time to try to change someone's mind. But you can only delay so long. After all, the presiding officer of your house has to make sure that the business of government actually happens. The rules make that possible.

Lesson 3: The time you spend on issues that brought you to the Legislature is small compared to the time you spend on other things.

You got elected talking about cutting taxes, or ensuring reproductive rights, or passing more anti-crime bills, or protecting the environment. But don't expect to spend all of your time working on whatever problem convinced voters that you were the person. You can spend some of your time saving this particular niche of the world, but not too much. After all, 33 million people live in California, and what interests you may not interest them. Besides, every citizen who talks to you thinks that his or her problem is the most important crisis in the world.

In any two-year legislative session, about 7,000 bills and resolutions are introduced. A number die without a hearing, but most move through the process. You will cast thousands of votes, big and little, during the session. And most of those votes have nothing to do with your big issues. They are simply the business of a society governing itself.

Lesson 4: Work hard to know members of the other party, members of the other house and almost anyone in the administration.

Unfortunately, the business of being a senator or Assembly member can be isolating. You live in a cocoon of staff, lobbyists, your assigned committees, floor sessions, caucuses and evening cocktail parties. You always see members of your own party in caucuses, or you are assigned to sit with a party colleague on the floor. But unless you work at it, you have little contact with members of the opposite party, let alone members of the other house or the administration. And this lack of contact poses a problem. You don't know them. They don't know you. Senators think new Assembly members are strange kids; Assembly members think senators are old fogeys. In reality, you look like each other and could afford to say hello before you ask for a vote.

Lesson 5: Lobbyists don't eat children for breakfast (well, most don't).

You spend a lot of time talking to and listening to lobbyists, from fancy high-paid representatives of the economically advantaged to advocates for the poor. And you can learn something from every one of them. Yes, some lobbyists rely on the clout of their clients — and know little about the issue they are promoting. But a larger number know a lot and help the process along.

Every lobbyist respects a legislator who pays attention to bills, understands the fine points and speaks to them directly. They may not like you to say "no," but better that than a fuzzy comment designed to avoid any answer. They also appreciate knowing if you have not yet made up your mind.

Some years ago, I started a practice called a Bill Request Form — a printed form asking a few simple questions of those people, lobbyists included, who want me to carry a bill: What's the purpose of the bill? Has it been introduced before? Are there any facts, studies or evidence that show a real problem exists? What will it cost? How do you propose it be paid for? Who is likely to be for or against the bill?

You would be astonished at the number of people, including lobbyists, who resisted the idea, primarily because many bills are not well thought-out in advance and often there are no facts or evidence demonstrating a problem to be fixed, not to mention suggesting a reasonable solution.

Lesson 6: The governor doesn't call you to ask for advice *on important policy issues* and appointees.

Well, almost never. Oh, the governor may call when a key vote is coming (like once every four years). And if you get to be in "leadership," then you meet with the governor on occasion. But mostly the governor deals with the speaker, Senate president and minority party leaders of both houses.

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Lesson 7: You are always assigned to more committees than make sense.

Big problem, particularly in the Assembly. You always get assigned to far too many committees. They often meet at the same time, and no amount of complaining seems to convince leadership to change the schedule.

Why does this happen? Well, most of you ask house leaders to be assigned to the Insurance Committee, or the Health Committee, or Education or whatever. Since about 25 other members also want to sit on those committees, the natural tendency is to create big ones. Add to that the desire of party leaders to place members from competitive districts on committees where they can build their reputations and be safe from criticism — well, it adds up to many assignments and not enough time to do each of them justice. You can rationally sit on one or two major policy committees and perhaps one lesser assignment. Anything else is stretching it.

Lesson 8: If you actually read the analysis of bills, and on occasion the bills themselves, you are a rare breed and will command attention and respect.

Here's a fact I learned a long time ago: Almost none of the bills you will be asked to vote on is new or original; nearly every one has been proposed at one time or another. But they are new for you, and that means you have to pay attention to the bill and its analysis. Read the analysis from committee staff and, if you can get it, the analysis prepared by the opposition party.

In the last few years, the tradition of "party analysis" of bills gained hold. That is both good and bad. Good because it provides more information; bad in the sense that party analyses tend to be shorthand discussions, heavy on the politics, light on the complexity of the issue. The best you can do is to read everything for a while.

Also — sad but true — you will find that some authors don't really understand what their bills actually say. They understand the "intent" of the bill, the general reason or argument that got them interested in the subject in the first place, but the details have been left to others. And the details of a bill are always more important than the vague "intent."

Lesson 9: Almost no one understands the annual state budget; so a little knowledge goes a long way.

Most legislators hate annual budget battles. Too many issues, never enough time, never enough money, always too many taxes... This attitude is a huge mistake. During my service, it became immediately clear that policy didn't drive spending — budget problems drove policy. Big issues such as welfare reform, government reorganization, education and access to health care are decided either in the budget or in legislation that accompa-

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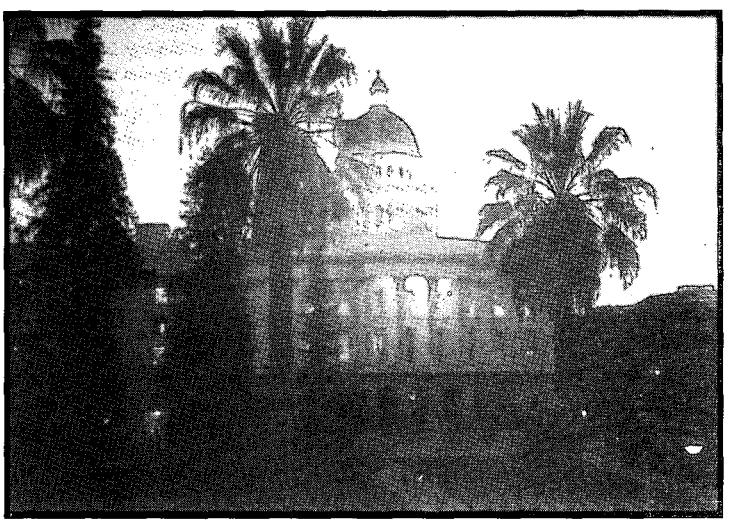

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nies the budget.

Find "The Play;" in other words, where the action is. Find out when decisions actually have to be made, and you then know the maximum opportunity for getting some policy work done. And there is no better place than the state budget.

How do you go about it? For starters, read the State of the State Address and the Governor's Budget Summary. Then wait until February and read the analysis of the budget produced by the Legislative Analyst and spend time browsing through caucus material that summarizes the budget. Then remember some facts: How much money does the state actually receive from all sources? How much does education get? Or welfare? Does Proposition 98 really mean that K-14 education automatically gets the money? What are all these "special funds?"

That's it. Just continue to read and remember and — *viola!* — you turn into a budget expert. You then are in place to see "The Play" and figure out how to get in on it.

During my service, it became immediately clear that policy didn't drive spending — budget problems drove policy.

Lesson 10: Figure out what you want to do right now. Once the session really gets going, you have almost no time to think about much of anything.

The biggest problem for a legislator is not figuring out *how* to do something but figuring out what to do. That lesson took me 25 years of elected life to learn.

Lesson 11: You can trust the press – to be the press.

Unlike the rest of California, the Capitol is a place where newspapers, magazines and other printed publications are taken seriously. People in the Capitol actually seem to read articles and editorials, or at least skim press-clipping packets prepared and distributed by party caucuses. The electronic media, with some heroic exceptions, are rarely found in the Capitol except for ceremonial occasions and hot fights over politically divisive issues. In your new world, you primarily speak to print media.

Forget what you've heard about the Capitol press corps. Its members are neither lazy nor interested only in your sex lives. They don't usually rummage through your trash cans, although most of them have some peculiar traits. For example, most of them never read the editorials printed in their own publications, and even take pride in this. Most of them refuse to read Sacramento government stories in other publications — unless an editor calls to ask why they missed the story. All reporters claim that some anonymous person cut their stories to the bone, wrote the headline that overstated the facts, chose the photo that made you look like an axe murderer and, in general, confused the story. Most of the time, they are right.

Some reporters actually like politicians; others are merely bemused by the commotion. Of course, a few are true cynics and you will figure out who they are fairly soon. It is in your interest to identify which reporters actually like politics and politicians and spend time with them because they can teach you a lot.

Reporters, however, have a difficult time figuring out what is going on since so much of what they see appears to be nothing more than a series of endless meetings and endless talking. They actually think that serious policy work is done in secret caucus meetings — a belief that new members also harbor for about four weeks. Because reporters cannot easily find out what is happening, they tend to focus on personalities, angry words and a stable of traditional political slogans such as "right-wing extremist," "liberal taxer," "pro-abortion" and "anti-choice." That means reporters often are reporting the less substantial part of what you do.

So, develop some leather skin because it is not going to change. But if you do your homework, actually show you understand the bills that you are discussing, and don't act like a jerk, the press can treat you pretty well. And if you actually manage to understand complicated issues — and can explain them in ordinary English — you are a prize catch for any reporter. To successfully deal with the press, you also must have a sense of humor about yourself. Take your issues seriously but not yourself.

Finally, remember that serious politicians speak to voters and to each other through the press. Watch the governor and your caucus leaders around budget time. Read what they say, and you will notice that they negotiate through the press for most of the year and talk to each other face-to-face only at the end. If politics is theater and you are operating on a stage, the press provides the microphone. That makes it essential, if occasionally irritating and always distracting.

It is easy for a new member to become consumed by fear or resentment of the press. The best advice is to "chill out," take things as they come, do your job and be prepared to talk about it. All public officials get "bad stories." You survive them. It's part of the game.

One final note: It helps to have a real curiosity about people and things and to understand that behind all the commotion, rhetoric and nonsense is the fact that you are doing a very important job.

Phil Isenberg is an advisor to Governor Gray Davis and a former assemblyman. Comments on his article may be e-mailed to editor@statenet.com

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Southland demands care and feeding from Davis

What does the election of West Hollywood resident Gray Davis as California's governor portend for the Southland? Who knows?

Every California governor for the last 32 years has come from Southern California; but ideology and politics, more than geographic roots, have shaped the governing priorities of each. And the ideology of Davis is "cautious pragmatism."

Davis ran as a "centrist." To govern as a centrist, he'll need to confront the diverse constituencies of Southern California on issues of importance to the Southland.

If education was the issue that helped propel Davis to a landslide victory, now he has to make good on his promises to fix the state's failing schools.

Where does the new Governor stand on the hot-button topic of breaking up the Los Angeles Unified School District (LAUSD), the state's largest, most dysfunctional and most expensive to operate?

District overhaul is a pet concern of L.A. Mayor Richard Riordan, who endorsed the GOP's Dan Lungren — possibly out of concern with Davis' links to public employee unions. The Riordan and Davis education agendas could collide.

The reforms Davis offered in the campaign went little beyond references to greater parental responsibility and teacher accountability — more homework, a contractual commitment to helping kids perform. That may be a fine suburban mantra, but poor urban school districts argue they need more concrete — literally — manifestations of educational reform: books, building repairs, classrooms. That takes real money. And if the Legislative Analyst's prediction of a possible $1 billion budget shortfall holds true, big-ticket improvements will be hard to come by.

Education reform is of particular concern to an increasingly important Democratic constituency. Latino children account for about 40 percent of the state's public school enrollment and around 70 percent of LAUSD's student population. Latino leaders in Los Angeles, miffed by their lack of representation on Davis' Education Task Force, are eyeing their own education agenda. "We were there for you, Gray Davis. We expect you to be there for us," L.A. School Board President Vicki Castro told the *Los Angeles Times*.

Water is another contentious issue of critical concern in Southern California. State and federal agencies have been negotiating with various "stakeholders" for years to save the Sacramento-San Joaquin River Delta while continuing to meet downstate's pressing needs.

Proposals include another manifestation of a Peripheral Canal, which was last defeated in 1982 — torpedoed by environmentalists and Northerners who feared rapacious Southerners would suck the Sacramento River dry. As Jerry Brown's chief of staff, Davis was in the middle of that fight and knows what a political hot potato the issue of water is.

As for early appointments, there appears to be a definite Southern California flavor. It is telling that they represent moderate and swing areas, outside Los Angeles County and the Democrats' traditional urban base.

> The people and problems of the Southland will seldom be out of sight...They won't be ignored.

Former state Senator Gary Hart, who represented Santa Barbara and Ventura counties in the Legislature for 20 years, drew the plum job of education secretary. Hart has long been a strong supporter of California State University-Channel Islands and administrators there are gleeful.

Former Congresswoman Lynn Schenk and Communications Director Vincent Hall, both San Diegans, have been named Davis' top two staffers. Despite some preliminary tittering over a "San Diego Mafia," the meaning of this connection remains in question.

Los Angeles could gain a bargaining edge from Assembly Speaker Antonio Villaraigosa who rebounded from his early primary endorsement of Al Checchi for governor and become an important Davis ally. With five new Democratic members strengthening his majority, Villaraigosa will be a mediator between the governor and liberals who want to push the legislative agenda too far to the left. And eyeing a possible run for mayor of Los Angeles in 2001, the speaker is well positioned — and highly motivated — to bring the bacon South.

Lastly, press-savvy Davis will want to spend serious time in the state's largest media market. That means the people and the problems of the Southland will seldom be out of sight. And they can frame — positively or negatively — the public image of the Governor's first term. They won't be ignored.

Contributing Editor Sherry Bebitch Jeffe teaches at the Claremont Graduate School. Comments on her column may be e-mailed to editor@statenet.com.

by Sherry Bebitch Jeffe

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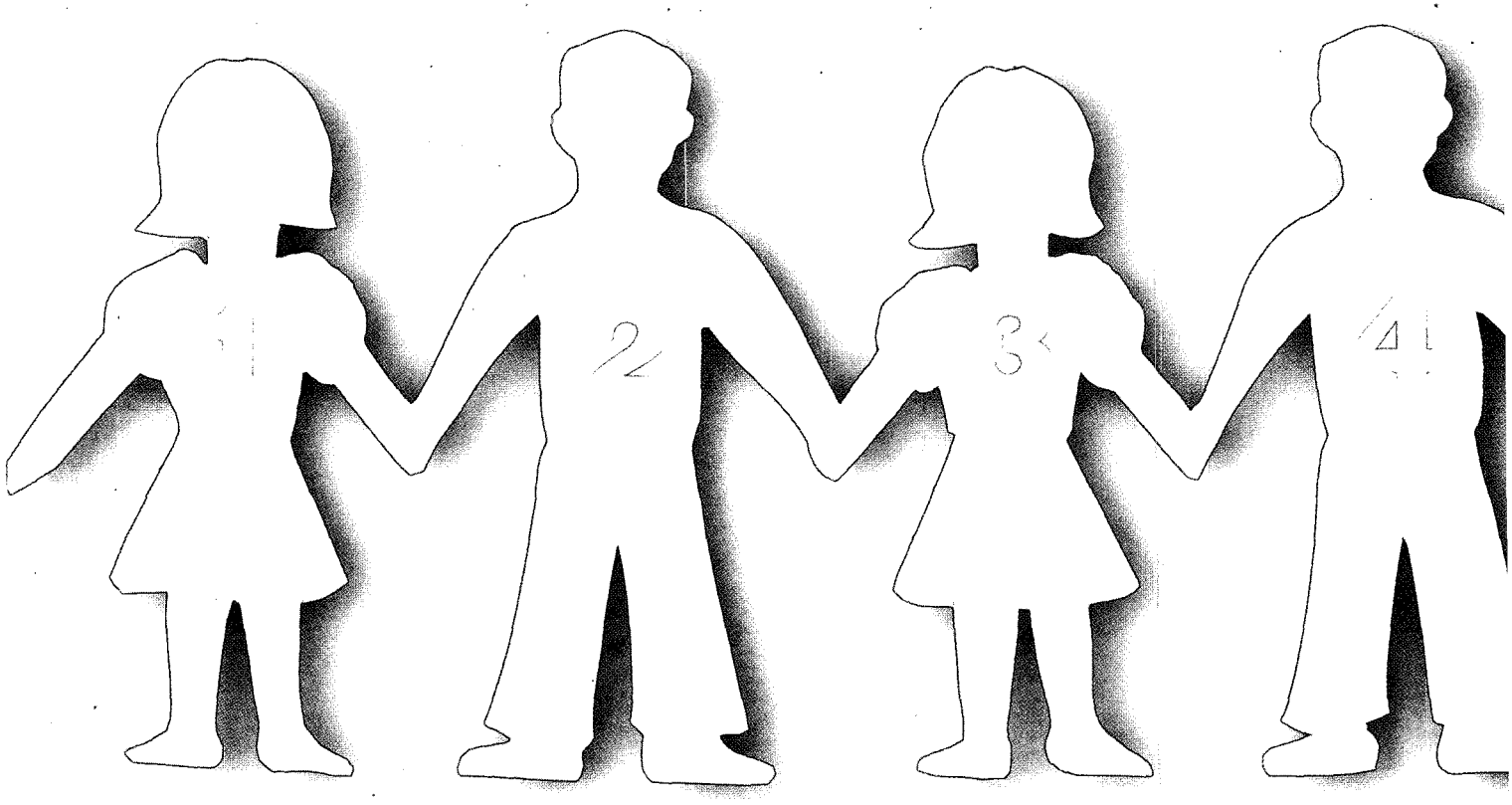
Y2K U.S. Census breakdown:

Counting heads is hard to do.

By Herbert A. Sample



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Partisan jockeying gets in the way of devising accurate 2000 Census counts, as Democrats and Republicans tussle over methods of counting heads. Less is more to the GOP, which fears a higher count will translate into more Democrats. Democrats, for their part, accuse Republicans of thinking small to retain an edge.

Politicians love polls. They pay millions to commis-sion them. They make campaign de cisions by them. And, once in office, they even hinge policy decisions on polls.

But not c ll polls are created equally — at least not in the minds of many Republicans in Congress who are intensely agitated over a Clinton administration plan to use similar statistical concepts in the 2000 Census.

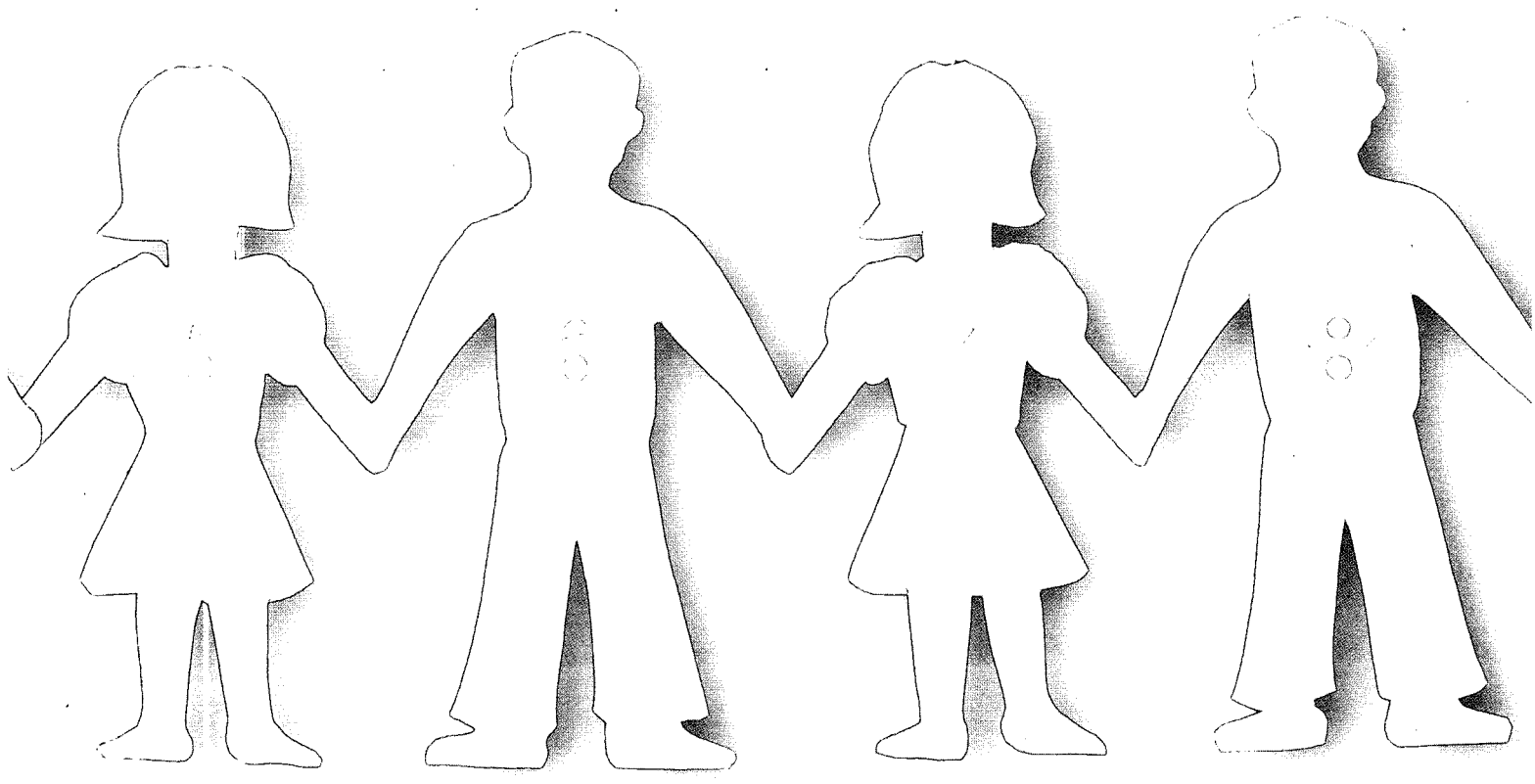
The struggle over what's known as "statistical sampling" has been simmering outside the political radar range for a couple of years. It is just now getting attention precisely because results from each decennial census — the next one begins in 12 months — play such a central role in how congressional, state legislative and many local political boundaries are redrawn and how federal funds are divvied up between states and localities.

The stakes are particularly high in California, where Democratic Governor Gray Davis and his allies in the Legislature are almost certain to control the next round of redistricting in 2001, leaving Republicans in the unenviable position of hoping for the best.

"There's a lot of reason to believe that the undercount could be 2 million (in California) in 2000," said Joseph Remcho, a lawyer representing the Democrat-controlled state Legislature. "We could be talking about two or three (extra) congressional seats."

The Census Bureau is embroiled in this squabble because of two increasingly difficult problems it has faced in recent censuses. First, increasing numbers of U.S. residents just don't fill out census forms — some because they distrust the government, some because they don't know English well enough to read the forms, some because they don't have time or just are not aware of the count. These folks have been dubbed the "undercount." And second, many more ethnics and racial minorities fail to get counted than do middle- and upper-income whites. That is the "differential undercount."

The first problem has always existed because it is virtually impossible to count literally everyone in the coun-



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try. But the second problem was first noticed after the 1940 census, which recorded a number of black males of draft age that was much lower than those who showed up for military duty. Since then, the bureau has found that it accounted for fewer African Americans, Latinos, Asian Americans and Native Americans — many of them children — as well as poor people and rural dwellers of all colors, than live in the nation. (Officials know a discrepancy exists by comparing census results with birth, death, immigration and emigration records, and, in recent censuses, with large post-census surveys that are used as quality checks.)

For instance, the 1990 census failed to pinpoint 2.9 percent of San Francisco's population. But while whites were under-counted by 2.4 percent, nearly 7.5 percent of African Americans, 4.5 percent of Latinos and 2.1 percent of Asian Americans were missed, according to the Census Bureau. In Los Angeles, 7.7 percent of African Americans, 5.3 percent of Latinos and 3 percent of Asian Americans were missed, compared to 3.2 percent of whites. Statewide, 7.6 percent of African Americans, 5 percent of Latinos, 2.3 percent of whites and 2.2 percent of Asian Americans were not counted. As many as half of those were children.

Similar undercounts were recorded across the nation, most acutely in large urban areas, but in mid-size and small towns as well. Native Americans living on reservations experienced the largest undercount of all, 12.2 percent.

The biggest impact of the undercount, though, was in California. Because it experienced a huge influx of new residents during the boom years of the 1980s, the state won a whopping seven-seat increase in its House delegation after the 1990 census anyway. But even though it was widely believed that the count was faulty, President George Bush — against the wishes of Democrats and many Republicans, including Representative Newt Gingrich of Georgia — opted not to employ statistical sampling to adjust census data for any state. If he had, California's population would have jumped upward by 840,000, giving it one additional House seat. Bush's decision also cost California an estimated $1.3 billion in federal funds during the 1990s, according to a San Diego State University researcher.

Native Americans living on reservations experienced the largest undercount of all, 12.2 percent.

The impacts were local as well. Eun-Sook Lee of the National Korean American Service and Education Consortium, for example, said that because Korean Americans in Los Angeles County were undercounted in 1990, the legal threshold requiring the printing of bilingual ballots was barely missed. It was not until 1998 that the county signed an agreement to print the ballots anyway.

California (under, first, then Attorney General John Van de Kamp and, later, Attorney General Dan Lungren,) the cities of New York and Los Angeles, and several other cities and states went to court a decade ago in an attempt to force Bush's Commerce Department to use a post-enumeration survey of 150,000 residences to adjust the 1990 census. But in 1996, the U.S. Supreme Court ruled against the states and cities, saying Bush had the authority to opt against adjustments. The 1990 census stood, undercount and all.

But soon after Bush made his decision, the Census Bureau started looking for a way to improve its performance in the 2000 census. After much study and debate, what the bureau came up with, and what the Clinton Administration supports, is a blend of traditional people-counting methods and complex statistical techniques. The plan, in somewhat simplified terms, goes like this:

- As in all recent censuses, the bureau in early 2000 will mail forms to every known address in the country, asking only a handful of questions. Every sixth address will get a longer form posing several more detailed questions. The agency will provide the forms in different languages and make them available in public places. People will be able to call in their responses, or record them over the Internet. And in a first, the agency will pay for professionally produced radio, television and print ads to induce people, particularly minorities, to fill out and mail back their forms.
- Tens of thousands of paid enumerators then fan out to personally visit the homes of persons who did not respond by April 1, 2000.

Then, the controversial part:

- Because hiring enumerators is the most expensive part of the census effort (which will cost a total of at least $4 billion in 2000,) the bureau will not try to get response rates up to 100 percent in every census tract — a nearly impossible feat anyway. Instead, it will stop sending enumerators to a tract when 90 percent of the homes there have been counted.
- Using methods only a statistician could love or under-

Coming in February

California Journal magazine, the state's longest-publishing and most respected independent political publication, kicks off February with an in-depth look by Associate Editor Noel Brinkerhoff at California's correctional system. Senior Editor Sigrid Bathen profiles Charles Reed, the controversial California State University system chancellor, and Sylvia Fox reveals a compelling new trend in alternative education.

Also, read John Jacobs on the John Burton-Barbara Boxer connection, and Max Vanzi on Kim Alexander and the California Voter Foundation.

Turn to the February issue of *California Journal* for the brand of lively and thorough coverage of state politics that *CJ* readers have come to expect in our 29 years of publication.

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stand, the bureau then plans to extrapolate from the data it has on the residents who did respond to estimate the characteristics of the remaining 10 percent of the people living there.

• Finally, the bureau will conduct a survey of 750,000 homes around the country — a vastly larger undertaking than any political poll. Its results will be used to compare, correct and adjust the earlier data. At the close of the census, the bureau produces one set of official census figures for the nation, each state, county, city and census tract.

To the National Academy of Science, many eminent statisticians, the Census Bureau and Democrats, the concepts behind the complicated plan make sense and provide a cost-effective and accurate way of eliminating the undercount. Most Republicans and a few statisticians remain unimpressed.

The statistician foes claim the undercounts of recent censuses were really more the result of computer and technical errors than of missed people. They worry that the Census Bureau cannot pull off both the usual massive census-taking task and the complex sampling plan in the allotted time. (Finished data is to be transmitted to the president on Dec. 31, 2000.)

Congressional Republicans have other worries as well. They claim that a scandal-bound Clinton Administration could cook the books by manipulating census results to count more minorities and poor people, whom the GOP automatically considers to be Democratic voters, than really exist. This, they fear, ultimately will result in big losses in the House and in many state legislatures. (This concern ignores the fact that nearly all of the nation's big-population states — California being the major exception — will be governed in 2001 by Republican majorities, who will have a big say in their state's redistricting plans.)

Democrats, on the other hand, accuse Republican sampling foes of wanting to reduce the count of minorities to boost their partisan purposes.

After a few legislative scrapes over the plan, critics filed two lawsuits in federal court charging violations of current law and the Constitution. Two lower courts unanimously agreed and the dispute is pending before the Supreme Court, which heard oral arguments in late November.

If the court bars sampling, Democrats may try an end-run. Because of the way the existing law is written, opponents only can claim that it prohibits sampling when employed in a census whose data is used to reapportion House seats among the states. So if the Clinton Administration loses in court, it may decide to produce two sets of official census results — one set without sampling that is utilized to reapportion House seats, and the second set for other purposes, such as distribution of federal funds and the redrawing of congressional, legislative and other political boundaries within states. That would allow Democrats — and Republicans too, in states where they control the process — to use sampled census data to further partisan goals.

Of course, all this gnashing of teeth by both sides assumes that the folks who are counted by sampling are voters, and loyal partisans at that. But that is questionable since many of those who wish not to respond to the census probably similarly dodge voter registration efforts. Some observers therefore equate the fight over sampling with a squabble a few years ago over so-called "motor voter" legislation. Despite the contentions of both sides, it turned out that in many states, the law gave neither party an advantage, and resulted in more people registering as independents than any other category. Nonetheless, both sides are holding their breath to see how the Supreme Court rules. Whatever the decision, the intense struggle over how to count the nation's populace is likely to continue for a long while — probably even as you fill out your census form a year or so from now.

Herbert A. Sample is a reporter in The Sacramento Bee's *Washington Bureau. Comments on this article may be e-mailed to editor@statenet.com.*

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Judging Preferences

by Lance T. Izumi

What's the only thing harder than passing a landmark ballot initiative in California? Answer: Implementing it. Just look at the legal travails that have hampered the implementation of Proposition 209. Although the anti-race-and-gender-preference initiative was approved by a solid majority of voters and was upheld as constitutional by the federal courts, state judges have been issuing contorted opinions regarding the application of 209.

Take, for example, Sacramento Superior Court Judge Lloyd Connelly's recent ruling that Proposition 209, despite its prohibition against race and gender preferences in public employment, does not invalidate state personnel laws that establish goals and timetables for hiring and promoting minorities and women. Judge Connelly, a former Democratic assemblyman, stated that such goals and timetables for the state workforce "function as a means to assess progress in equalizing employment opportunities, not as quotas or set-aides which must be met . . . and which could induce preferential hiring on the basis of race or gender."

Connelly's semantic tap dancing flies in the face not only of logic, but also of key higher court decisions and clear voter intent.

Connelly's semantic tap dancing flies in the face not only of logic, but also of key higher court decisions and clear voter intent. In a 1997 ruling in a California case, the federal Ninth Circuit appellate court found that "non-rigid system of goals as opposed to rigid quotas is a [racial and gender] classification," discriminates against non-minorities and males, and is therefore almost always impermissible. In a previous decision, the Ninth Circuit warned that a court must "look to the economic realities of the [government] program rather than the label attached to it in determining whether the statute grants a preference." In other words, if one pierces the fog of goals and timetables, which Judge Connelly refused to do, one finds impermissible racial and gender preferences.

Although Connelly's decision to ignore relevant court rulings is disturbing, more appalling is his decision to ignore the intent of the voters. Connelly acknowledged that the ballot pamphlet sent to voters is one of the best ways of determining intent. Despite that acknowledgment, Connelly proceeded to ignore the fact that the Legislative Analyst's Office analysis of 209 contained in the ballot pamphlet specifically cited "goals and timetables to encourage the hiring of members of 'underrepresented' groups for state government jobs" as an example of a preference program. Voters reading the ballot pamphlet would have almost certainly figured that 209 would get rid of such programs. However, Connelly concluded otherwise.

Although it only applies to state employment practices, Connelly's ill-considered opinion also is damaging because it gives pro-preference local government officials an excuse to continue the use of goals and timetables at the local level. For example, Sacramento County's affirmative action plan explicitly states that, "As a matter of policy, each department head shall analyze all aspects of his or her workforce and formulate affirmative action plans, including numerical goals and timetables to correct identified deficiencies in the utilization of protected groups."

Sacramento County identifies its numerical goals as the employment of minorities and women according to their percentage in the county population. County departments must produce reports that detail their progress toward meeting goals in each job category. For instance, the 1998 goals and timetables report for the Human Assistance department says the following about administrative service employees: "There are 51 employees in this category. Of this total 33 are female (64.7%), and 13 are minority (25.5%). The department is above the goal of 51.06% for females; however, it is below the goal of 30.4% for minorities. The department should seek and appoint qualified minorities as vacancies occur." A timetable of three-years-plus is listed for meeting the numerical goal for minorities.

Such blatant race- and gender-based employment practices worry honest observers such as Royce Van Tassell, a member of Sacramento County's affirmative action advisory committee, who says, "Despite Judge Connelly's ruling, there is no question that as long as they maintain their current preferential hiring program, Sacramento County is courting a lawsuit." Connelly's ruling will certainly give pro-preference county officials false hope.

Connelly's decision will now be appealed to the state appellate court, where one can only hope that the judges on the appellate court see better than Judge Connelly that individual merit should determine employment qualifications.

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Looking ahead to a 21st Century crisis

by Dana Wilkie

WASHINGTON — Thirteen months ago, Bill Clinton stood in a small auditorium near the White House and draped the National Medal of Science around the necks of 14 men and women. He lauded "the American passion for discovery that has driven our nation forward from field to factory to the far reaches of cyberspace."

A few weeks later, he stood before the nation to say that money for scientific research and development was critical to ensuring America's fortunes in the coming century.

And just days after that State of the Union speech, the president presented his federal budget.

It so badly cut money for the world's premiere fusion-energy experiment that two months ago, American scientists around the world began quietly packing their bags and pulling out of the project. Today, Americans no longer work as they once did at the La Jolla design headquarters for the International Thermonuclear Experimental Reactor (ITER), nor at the program's two other design sites, in Naka, Japan, and Munich, Germany.

> "I think the country is heading into a terrible energy and environmental problem."
> — Marshall Rosenbluth

The aim of the ITER project was to harness fusion reactions — the process that powers stars like the sun by combining atoms under extreme temperatures and pressure — as a practical and virtually limitless energy supply. Developing new energy sources is important because traditional sources, such as fossil fuels, will eventually run out. And scientists worry that carbon dioxide from burning fossil fuels contributes to the phenomenon known as global warming.

What will happen to the fusion project now that America is no longer working with its international partners is unclear. But there are plenty who fear it spells doom for a decade-long attempt to perfect new energy supplies before those we have trickle away.

Since 1992, the United States and its three partners in the project — Japan, the Russian Federation and the European Union — spent a collective $1.2 billion on the fusion experiment. When the international accord for the ITER experiment expired last summer, the U.S. Energy Department wanted America to stay involved for another three years, at a cost of about $40 million.

But in the fiscal 1999 budget that Clinton sent Congress last February, only about $12 million was set aside for designing the ITER reactor, about half of what Congress had spent the year before. Another $61 million that had gone to research and technologies supporting ITER was redirected elsewhere. In the end, the president signed a budget that reflected his wish to slash money from the program.

Since the ITER project began six years ago, U.S. funding for it had never been so low. It was just enough money to wind down American operations at the La Jolla site, where 63 engineers, scientists and support staff once worked. Europeans and Russians working in San Diego had to go home, and Americans working at design sites in Japan and Germany had to return to the states.

Forty million dollars seemed an awfully small price to keep the United States involved in a project to which it had already devoted so much time and energy. But there was a bigger reason why the United States pulled out, and that was the $10 billion it will cost to build a test reactor. Scientists had hoped to learn from this reactor how to create a practical machine that could achieve fusion for power grids in the next 40 years.

Some day, Congress might again consider American involvement in ITER. But for now, U.S. scientists will merely contribute to policy discussions and submit research to the international group.

Backing out has repercussions for other international players, however. It was assumed, for instance, that the Japanese would offer to play host to — and put up half the money for — building the reactor. But it is unclear how enthusiastic the Japanese will now be if America is not a participant. "Whether that means the whole project then craters internationally....I think most people assume it will," said Mark Haynes, vice president of Washington operations for General Atomics, which conducts fusion research and participated in the experiment.

Thirteen months ago, after San Diego scientist Marshall Rosenbluth received his Medal of Science and shook Clinton's hand, the noted fusion researcher had sobering words about this country's reluctance to spend more money on developing new energy sources.

"I think the country is heading into a terrible energy and environmental problem," said Rosenbluth, a University of California at San Diego professor who helped give the world an understanding of the power of fusion energy. "It may well be the dominant crisis of the 21st century, and we're doing awfully little about it."

Dana Wilkie is the Washington correspondent for the San Diego Union Tribune *and a contributing editor to the* California Journal. *Comments may be e-mailed to editor@statenet.com.*

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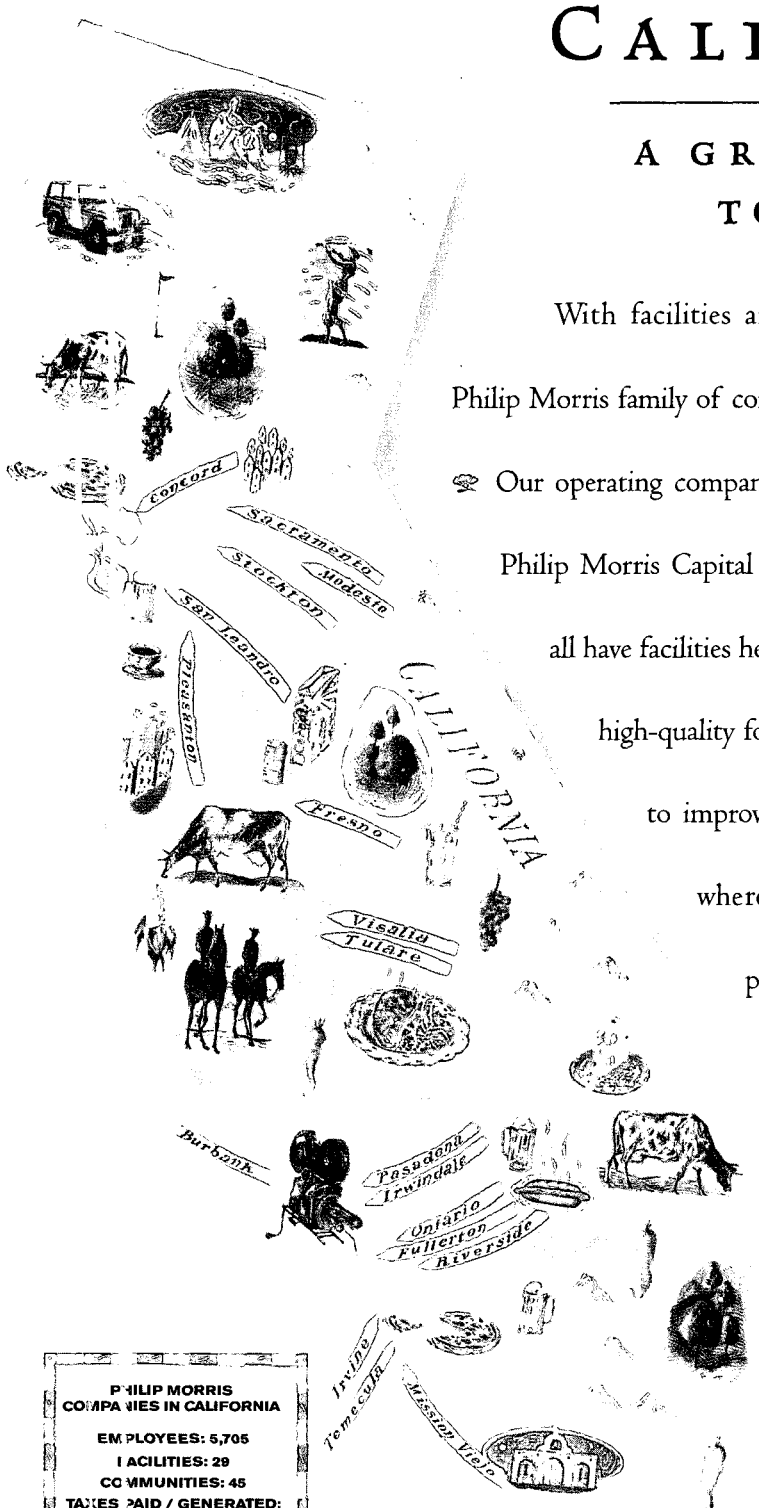

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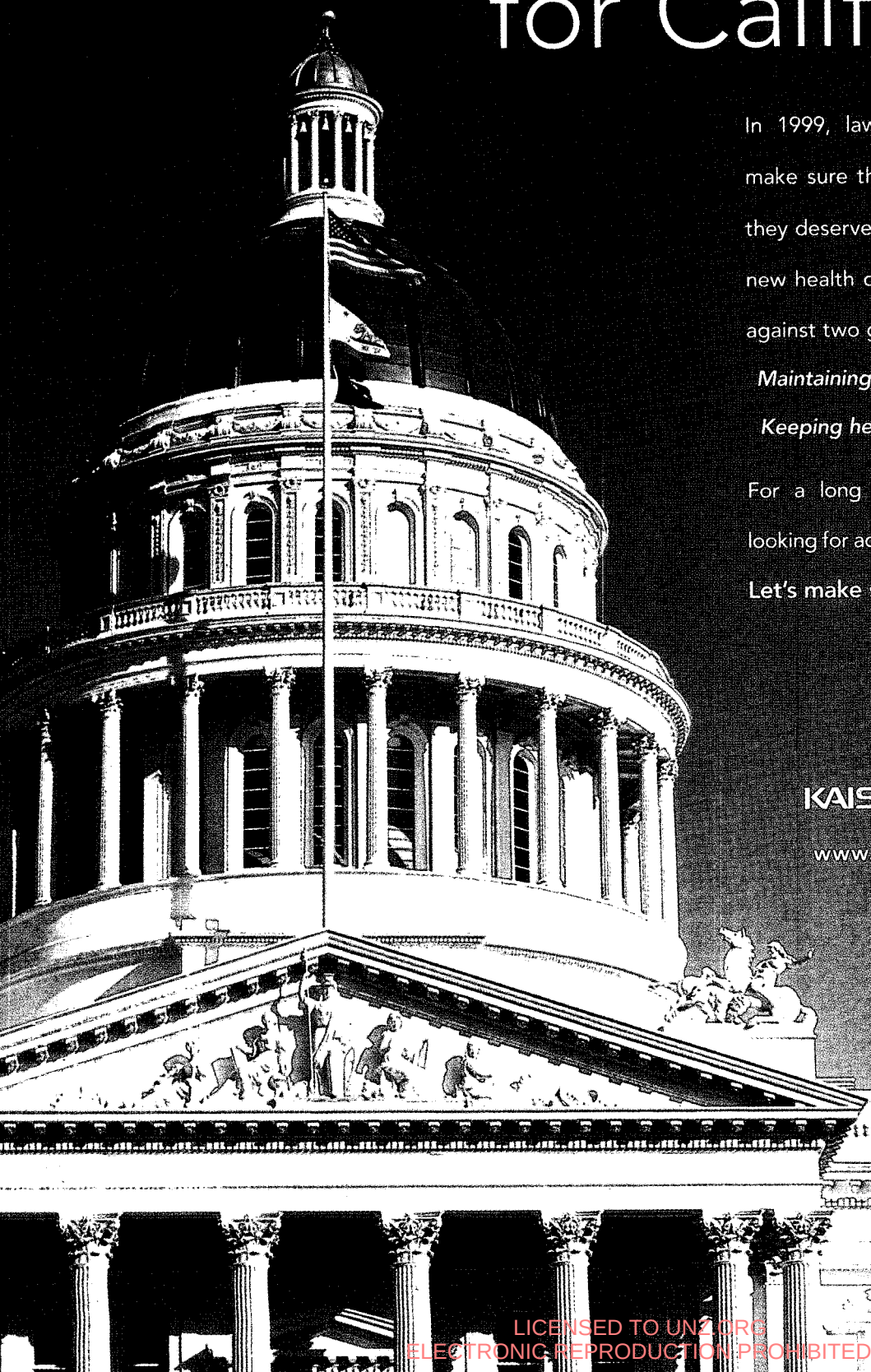

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